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# REPORT OF EVIDENCE

OF

## WARDENS OF PRISONS, ETC.

IN THE UNITED STATES AND CANADA,

TAKEN BEFORE

## THE ROYAL COMMISSION

APPOINTED TO ENQUIRE INTO CERTAIN CHARGES AGAINST THE

WARDEN OF THE CENTRAL PRISON

AND

INTO THE MANAGEMENT OF THE SAID PRISON.

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*REPORTED 19TH NOVEMBER, 1885.*

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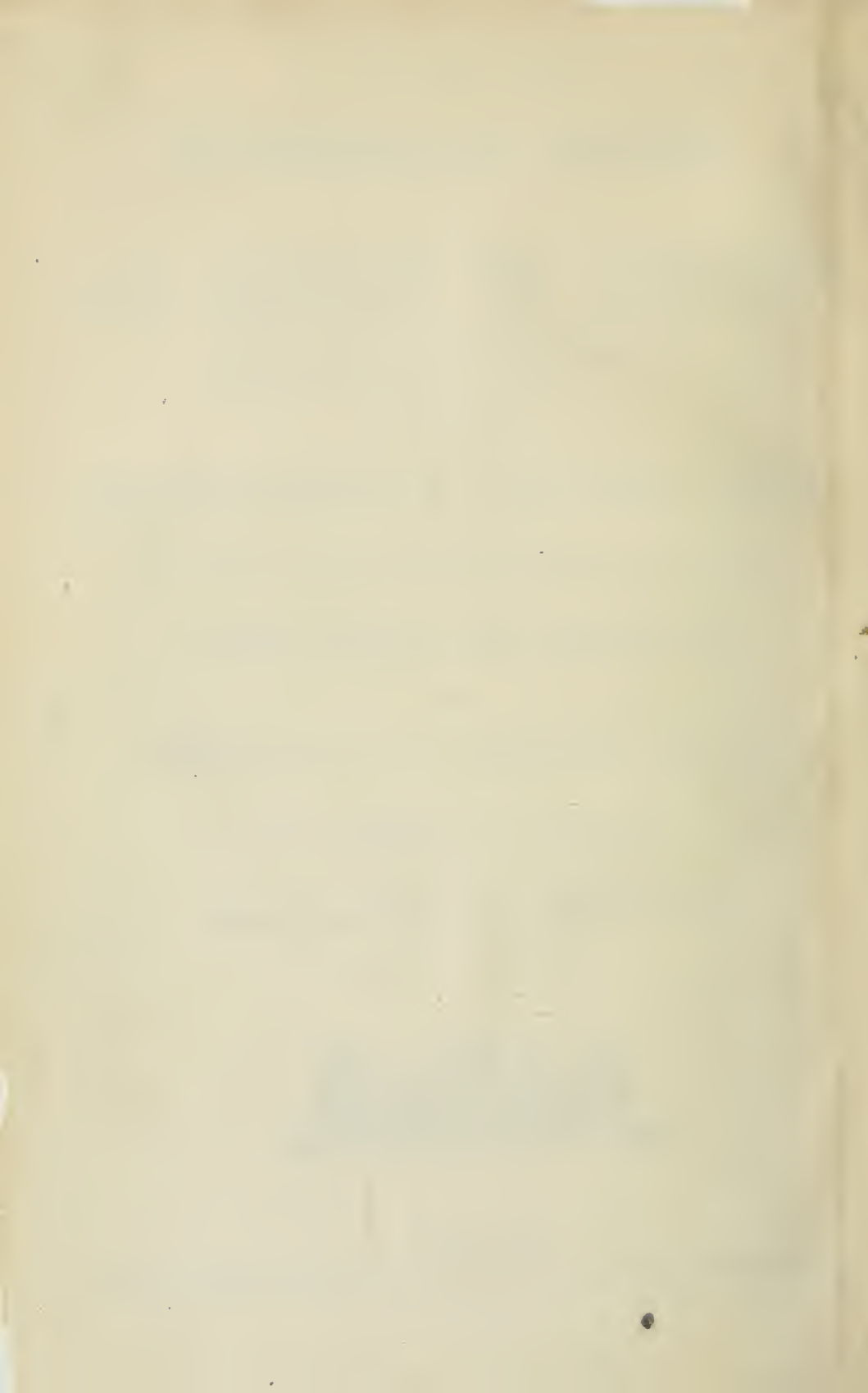
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## CENTRAL PRISON INVESTIGATION.

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EVIDENCE OF WARDENS, ETC., IN THE UNITED STATES AND CANADA.

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J. S. SINCLAIR,  
J. W. LANGMUIR, } *Commissioners*  
D. A. O'SULLIVAN, }

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INTERVIEW BETWEEN THE COMMISSIONERS AND CAPTAIN JOSEPH NICHOLSON, WARDEN OF THE "DETROIT HOUSE OF CORRECTION," WHICH TOOK PLACE TUESDAY, SEPT. 1ST, 1885, AT DETROIT.

Q. What is the corporate name of the prison ?

A. Detroit House of Correction.

Q. What class of prison is it ; State, city, or county ?

A. It is owned by the city of Detroit, but at present it is held by the Supreme Court to be in effect the State prison. It is a prison for all offences in the State—from disorderly to the highest offence.

Q. Is it established under charter ?

A. Yes, sir, by the statute of the State.

Q. What is the capacity of the prison—the number of cells ?

A. In the neighborhood of 700.

Q. Do you take both sexes ?

A. Yes, sir ; it is the only prison in the State for women.

Q. What is the number of prisoners now in custody ?

A. I think I have about 80 or 85 women this morning ; they are coming in and going out. We have about 450 or 460 men.

Q. By what Court are prisoners sentenced here ?

A. We have a contract with most every Court in the State, whereby they can sentence disorderlies to us for disorderly conduct, misdemeanors, etc. They also have a contract with the State for the maintenance of all women sentenced here for State prison offences. They must come here. Then, the City of Detroit sends prisoners here for offences against ordinance.

Q. The offences against the Municipal law ?

A. Yes. Then, outside of that, we have a contract with the United States, by which we take United States' prisoners from Arkansas and the different States and Territories.

Q. Then you have a great variety ?

A. Yes, sir.

Q. For what period are the prisoners sentenced, maximum and minimum ?

A. The longest sentence we can get any man from the State Courts is a year.

Q. Then the Municipal—the Detroit prisoners—how long ?

A. I think, six months.

Q. Commencing with what period ?

A. Thirty days.

Q. From 30 days to six months for Municipal prisoners ?

A. Yes.

Q. Then, your State prisoners—from what period to a year ?

A. Outside of Wayne County, nothing less than 60 days.

Q. Then, you have no life prisoners ?

A. Yes, sir. Outside Wayne County, the County we are in, you cannot send for less than 60 days, and not more than a year, for disorderly conduct ; but we have several women under life sentence for capital offences. They were sentenced first to the State prison, and then sent here, as provided by law.

Q. But I suppose the large bulk of your prisoners are for short terms ?

A. For short terms.

Q. What would be about the average ?

A. Three or four months would be a big average—would be a big average for a given number of prisoners.

Q. Are all prisoners, sentenced to this house of correction, sentenced for fixed periods, or are there any sentenced for indefinite periods ?

A. All fixed periods.

#### *Re* INDUSTRIES.

Q. What industries do you carry on ?

A. Chair-making entirely. All the prisoners are engaged in that work substantially. I make all my own clothing. Chairs are the only thing we manufacture for market. We make everything we wear, except boots and shoes.

Q. Are the industries carried on by the prison authorities or by contract?

A. By the prison itself: the prison authorities.

Q. Is the prison self-sustaining?

A. It has been so far. It will be a tough matter this year.

Q. About what is your annual expenditure?

A. I will give you our Report for the last seven years, from which you may see.  
(*See Reports.*)

Q. In addition to the revenue derived from prison labor, do you also receive grants from counties and from the United States Government?

A. For board.

Q. That increases your revenue, of course?

A. Yes, sir. You will also see in those reports the amount we get for board, as per ageement.

#### *Re* SUPERVISION.

Q. Under what supervision does the charter place the house of correction in the way of inspectorial supervision?

A. We have a board of inspectors.

Q. Appointed by whom?

A. Nominated by the Mayor and confirmed by the Council. They appointed me as Superintendent.

Q. Do they frame by-laws and regulations?

A. Yes, sir.

Q. Under which the prison is governed?

A. Yes, sir.

Q. Have you a copy of the regulations and by-laws?

A. Yes, sir. I will give you a copy. (*See By-laws and Regulations.*)

#### *Re* PUNISHMENTS.

Q. Are the punishments of your institution authorized by statute?

A. No, sir.

Q. Are they defined by regulation or by-law?

A. No, sir. I do not know of any.

Q. Will you be good enough to state what the nature of the punishments are?

A. For a little infringement of regulations, we take a man and stand him up before the library, and everybody marches by him, and we take his meals away, supper or dinner.

Q. That is for a slight disciplinary offence?

A. Yes; and that in probably, 18 or 19 times out of 20, will be all that is required. When that will not do, I take him to the dark cell, handcuff him to the wall, and let him



stand there until he says he will not do it again—whether that is one minute, or one hour, or one day. That is the extent of our punishment.

Q. What is the size of the dark cell?

A. The ordinary cell. There is a ring in the cell, and we attach a handcuff to the ring and let him stand there; the floor is concrete.

Q. Is the cell dark?

A. Yes. We take the ordinary iron door and put a board over it. We turn an ordinary cell into a dark cell. I will show them to you before you go.

Q. In addition to the punishment you speak of, do you deprive prisoners of the ordinary privileges that well conducted prisoners are entitled to?

A. Yes, sir.

Q. What is the nature of those deprivations?

A. Oh, for little misbehaviours in the shop, bad conduct of any kind, for instance at the table in the dining-room, or bad conduct in the shop, or a man destructive with his work, we take away his tobacco or take away his book. If he is attending our school, we shut him out for a week, and probably shut him out from chapel service on Sunday. I guide the whole business myself, according to what I think it should be.

Q. You have no by-law conferring authority upon you?

A. No, sir; I think the general statute gives authority, but it is not definite at all.

Q. Are these punishments entirely within your scope?

A. Entirely—with no other person.

Q. Do you delegate them to anybody?

A. No, sir. Well, not strictly speaking; but, for instance in my absence, the deputy has charge. If I am down street and a man commits an offence, you want to take him on the spot: but the moment I come back, he reports it, and I sanction it.

Q. If you commit a prisoner to the dark cell, do you commit him for a definite period or an indefinite period?

A. An indefinite period.

Q. Do you tell the prisoner for how long you shut him in for?

A. No, sir. I tell him that when he will promise to behave himself and not commit the offence again, I will take him down, whether it is a minute, an hour, or a week.

Q. How long does it generally take to bring a refractory prisoner to subjection?

A. I had one man stay there 19 days, but that was exceptional. They generally stay there for half a day, or a day; some of them will hang out two days.

Q. Do they remain over night in the dark cell?

A. Oh, we take them down, certainly.

Q. Do you take them down from the ring?

A. Yes, sir. They are waited upon. The doctor sees them every hour, and, of course, the attendant is there if they want anything. They see them every hour, that nothing happens to the man; they watch him very closely.



Q. What diet do you give them when in the dark cell?

A. Bread and water—one ration of bread and all the water they want to drink. I will show you what we call a ration. A four-pound loaf makes six or seven rations.

Q. And what would be the average period of confinement in the dark cell?

A. Oh, I do not think it would run over a day.

Q. That is a day and a night—24 hours?

A. A day and a night.

Q. Are they visited frequently in the dark cell?

A. Oh, yes, sir. When they are standing up, I have a man in charge, and he opens the door and looks in. These are the instructions: to open the door if he hears any unusual noise. The man might have a fit. We take all the necessary precautions.

Q. In the case of very refractory prisoners, what you may call incorrigible prisoners, have you other punishment?

A. Not that we have in use.

Q. Do you never resort to the lash?

A. No, sir.

Q. Or what is known as the paddle?

A. No.

Q. The irons are attached to the handring?

A. Yes, sir.

Q. Do you have leg irons?

A. No, sir. I occasionally put them on, and make a man wear a weight on one leg; put a shackle on with a weight of two or three pounds. It will not make him unfit for work. It is more to call attention to the fact that he is under punishment, than anything else. I think I have done that, probably, three times, not to exceed that, since I have been here. I do not like to resort to it, if I can get along without it. It is a pretty big weight that we attach.

Q. Do I understand that the period of confinement in the dark cell depends upon the prisoner himself?

A. Entirely so.

Q. Has the prisoner any bed or clothing, or anything of that kind, in the dark cell?

A. We give him a bench to sleep on at night. The cells are always warm.

Q. Do you ever confine to the ordinary cell, as a method of punishment?

A. Sometimes.

Q. For what class of offences?

A. Little infractions of the rules; depriving him of his dinner, but very seldom.

Q. For what period do you generally do that?

A. Oh, not to exceed a day, probably; that is not much punishment for a lazy man.

Q. He would sooner be there than at work ?

A. We might not take a man out for a day, for instance.

Q. Before awarding punishment or taking away the privileges, do you enquire into all the circumstances connected with the offence ?

A. Yes, sir.

Q. Is the prisoner invariably brought before you, along with the complaining guard ?

A. Always—probably, not strictly always.

Q. That is the rule ?

A. That is the rule.

Q. But you invariably enquire and find out whether the complainant is telling the truth ?

A. Oh, certainly.

Q. Confirm them ?

A. Yes, sir. Very often, you know, you will find the fault is as much with the keeper as with the prisoner.

Q. Is the complaint made in writing ?

A. Oh, no. Sometimes a man sends a complaint in from the shop ; he has no other way of sending it. The officer in charge of the shop will send the complaint in to the deputy, simply saying that some man has committed some offence.

Q. If a prisoner is reported for refusing to work, or for any offence, do you keep a record of every punishment you award, or every deprivation ?

A. Certainly, for that man. It is charged up against him. It goes against his good time, if he has any coming to him.

Q. Is a return of these punishments made to your Board of Inspectors ?

A. No.

Q. Do they enquire into it ?

A. They did once, I think.

Q. Have you a punishment record-book.

A. No. In the register, opposite each name, there is a place for remarks ; we have them entered against him there.

Q. That is in the general register ?

A. Yes. A great many would have no offence marked down.

Q. You have no regular punishment book ?

A. No.

Q. In fact, you are an autocrat in regard to punishments ?

A. Yes, sir.

Q. It rests with you entirely ?

A. With me entirely. On that subject, I would say this :—I find it quite effective in

some of the long time men : for instance, when a man makes a few little kicks over, and they do not amount to a great deal, I say to him, You have lost some time, behaved badly one, or two, or three times ; now, if there are no more complaints against you for the balance of the time, I will set that to one side.

Q. That is, you remit that ?

A. Yes.

Q. Do you require any authority from any superior officer to inflict any punishment whatever ?

A. None whatever, sir.

Q. It is a personal discretionary matter ?

A. A discretionary matter entirely.

Q. If the prisoner refuses to work in the shops, what course would you pursue in the way of punishment ?

A. Stop his eating—put him on bread and water.

Q. If he still continued to refuse ?

A. Then let him stay on bread and water.

Q. When do you have recourse to the dark cell.

A. I would not resort to handcuffing him to the wall without he was violently refusing. If a man would say, "I will not work," I would give him a few chances—give him a fair chance, and let his stomach try him a while, and then stand him up.

Q. Do you find that the absence of food has the effect of bringing them to their senses ?

A. Yes, sir.

Q. Do you think it is most salutary ?

A. It has so far worked that way with us ?

Q. In your opinion, is confinement in the dark cell for an indefinite period more effective than confinement for a stated period ?

A. I think it would be, sir.

Q. Do you think the uncertainty connected with the confinement is an element that brings the man to subjection ?

A. Yes, sir. I think if a man is left to himself, he goes in there for 12 hours or 24 hours ; he will say, "I can stand this thing out," and that is the end of it.

Q. Would you not have a limit ? Would you keep him in the dark cell during the whole of his imprisonment if he refused to work ?

A. I most assuredly would, unless I was ordered by the doctor to do differently.

Q. If he still continues refractory ?

A. Yes, sir. I should certainly never let him get the start of me.

Q. Your rule is that you shall govern the prison ?

A. I shall govern the prison.

Q. Not the prisoner ?

A. Not the prisoner. He is punishing himself. If he will not work—all right.

Q. Do you invariably put that before the prisoner ?

A. Always, sir.

Q. What is the effect of putting it that way ? You say you have only had one man for the lengthened period of nineteen days ?

A. Yes, sir, that is the longest period.

Q. Did you ascertain whether the man was sound in mind ?

A. Just as sound as anybody could be

Q. And it was simply incorrigibility ?

A. It was the second time he had been with us, and when he came back he was evidently a little under the influence of liquor. He said he had made a fool of himself before ; that he didn't come here to work, and he wouldn't work ; and the deputy says—" All right, wait till somebody asks you." He was a drunken man. The next morning he was taken down and washed, and taken to the shop, and he said he would not work ; he sat down and would not work. I said, " Just take him and handcuff him to the wall, and put him on bread and water until he says he will work and behave himself." " Now, you will be the judge," I says, " and you can stand there one minute, or you can stand there every day until your time is up ; you make your own punishment ; when you say you will come down and go to work and behave yourself, that moment you shall come down and not until then."

Q. You don't know of any law, either statutory law or common law, regulating that manner of punishment ?

A. No, I do not. I think there is a general law of the State, though.

Q. But it is not defined in the regulations ?

A. No, sir. I am not sure whether there is any law defining that or not.

Q. How long have you kept them on bread and water ? I mean to say, without the dark cell ; just the question of depriving them of their meals ?

A. Oh, probably, one meal—maybe a dinner and supper, and maybe a breakfast and dinner.

Q. Do you ever extend that bread and water diet over a week ?

A. Oh, no. I would take some more severe punishment than that.

Q. You say you would put the prisoner in the dark cell, and let it rest with himself to say when he shall subject himself to your authority ?

A. Yes, sir.

Q. Do you not extend the bread and water in the same way ?

A. He is on bread and water all the time he is in the dark cell.

Q. But I am merely talking of the bread and water diet, without the dark cell ?

A. Oh, no ; never deprive him of more than two meals—never had occasion to.

Q. From your experience as Warden, do you consider your system of punishments an effective system ; does it accomplish the object you have in view ?

A. I think it does.

Q. If you had your own way, as I understand you have, would you suggest any other method than the one you pursue ?

A. No, I do not think I would ; occasions might arise when I really would like to take the lash.

Q. When ?

A. Occasionally, when a man is real mean, the lash would be a good thing for him, but I do not like to resort to it, because I do not think the ultimate results would be as good.

Q. Why ?

A. It brings out the lower and worse feelings of man. We have had two or three instances of it here. I had two men sent from Albany that were under punishment all the while with the lash and paddle, whatever their methods of punishment were there, and they asked to be exchanged, and they came here, and from the time they came here until their time was out they had no punishment, no occasion for punishment.

Q. They behaved themselves well ?

A. Yes. I had one man from the west with the worst recommendation I ever saw penned about man ; that came from the man who had him in charge. I never had a better behaved man in the prison ; couldnt ask for any better conduct ; you could not make any better if you would do it yourself. He took an interest in everything, and was really a very valuable man so far as his work was concerned, and his conduct was beyond any question gentlemanly in all his actions ; and when he was going away I had the curiosity to find out what wrought the change, and, holding the letter in my hand, I says, "I want to read this to you to show you how you were recommended when you came here." He says, "that is true ; I guess it is true. The way I was tormented and treated there brought out the very worst elements in my nature. I courted death. I begged for death, and I could not get it any other way than behaving so that they would shoot me. When I came here, I saw as long as I was a man I would be treated as a man, and my better feelings came to the fore. I tried to behave myself and I think I have done so." I say, "You have done so, well." That is why I think the continual resort to the lash wipes out what manly feelings a man may have. I have had several little trials of that here. I have had men from Jessie James' gang, from the Younger brothers' gang, have had stage robbers, mail robbers, and car robbers, for the highest offences known, from out through Missouri, Dakota, etc., and I have never seen one of them yet that I could not, within three or four minutes talking to, be more effective than any lashing or whipping that could be administered.

Q. But if your efforts proved unavailing by talking, would you resort to the dark cell ?

A. Oh, certainly.

Q. Do you govern the prison upon what is known as the rigid discipline, or are you somewhat flexible in the way of discipline ?

A. I am a little flexible.

Q. In your opinion, what is the result of overlooking trifling small offences ?

A. Well, a good deal depends on just what the offences are and how you overlook them. If you are satisfied that they were pure accidents, I am sure it has a good effect



to overlook them, but with some men, if you overlook too many times, they will take advantage of it.

Q. Will that have a bad effect upon other prisoners ?

A. Yes.

Q. As a general thing do you overlook ?

A. The first offence.

Q. Do you warn them ?

A. Yes, sir.

Q. A second offence of a trifling nature, would you overlook ?

A. A good deal would depend upon what it is. We do not usually overlook it.

Q. Do you commend guards for reporting every case, or do you rather discourage it ?

A. I discourage it with a great many of the guards. They get officious, you know, and sometimes they get it into their heads that if they do not keep reporting, they will not be thought to be doing their duty.

Q. Then, you discourage that ?

A. Yes, I do not want any trivial reports made.

Q. Do you allow the guards to rebuke the prisoner ?

A. No, sir, only to tell him that if he does not behave he will report him.

Q. You allow them to warn him that there will be a report if he does not behave ?

A. He calls them up and says, " If you do that again I will report you."

Q. And does that generally have the desired effect ?

A. Oh, yes, generally, but not always.

Q. What percentage of your prisoners are punished or deprived of privileges as a general thing ?

A. Before you leave I will tell you how many we have had in punishment for the last 30 days.

Q. You sometimes punish a man by keeping him without his bed ?

A. When in the dark cell.

Q. Only in the dark cell ?

A. Yes.

#### *Re* REWARDS FOR GOOD CONDUCT.

Q. Have you any system of rewards for good conduct ?

A. Nothing, only the good time.

Q. Can prisoners earn a remission of a portion of their sentence by good conduct ?

A. They can earn their good time allowed by law.

Q. What time is remitted in that way ?

A. I think, two months in the year.

Q. And in a proportionate rate for small periods?

A. There is no good time for commitments of less than a year—no remissions made.

Q. Would you recommend the system of remissions in regard to short date prisoners?

A. No, sir.

Q. Why?

A. Oh, I think that short sentences, for chronic offenders, does more to make criminals than anything else. A short sentence is well enough for a first offence, but, when they repeat and repeat, as they are here with us, coming for sixty days, it takes ten or twenty days of that to get the whiskey out, and the effects of their debauch. The balance of their time simply sharpens up their appetites and renews their energies and all their baser and lower nature, and when they go out they go into greater vice than before. To shorten these sentences would be to make it still worse.

Q. Do I understand then, that for recurrent cases of criminality or vice, in the case of short date prisoners, you would not reward good conduct by the remission of a portion of the sentence?

A. I would not, sir.

Q. In other words, if a man came back more than once, you would not approve or recommend the shortening of the sentence, no matter whether his conduct was good or bad?

A. No, sir.

Q. You would rather lengthen it?

A. Yes, sir, I think lengthening it would have a better effect.

Q. Do you know, as a fact, of many prisoners whose criminality is recurrent, but whose conduct in the prison is excellent?

A. Oh, yes, we have them here. I have men and women working here whose conduct is just as good as it could be; they work as faithfully as if paid; yet they will go out and get into bad company again. Have quite a number that way.

Q. They expect to live here?

A. There are a number who have been here for, say ten or twelve years out of the last fifteen.

Q. In regard to the twelvemonth prisoners, and over; what effect has a shortening of sentence in moulding their conduct in the prison?

A. A good effect.

Q. But with the short date?

A. I would not consider it at all advisable—any case after a second, at least.

Q. Do you ever give the prisoner an interest in the pecuniary results of the prison labour.

A. No, sir; what he gets entirely depends upon me. I have no rule or law, or anything else to govern me; what I give him going out entirely depends upon myself; what I think he is worthy of.

Q. Do you think that a system well matured of giving them a pecuniary interest in the result of the prison labor would have a good effect?

A. Well, it did not work well here. I discontinued it when I came here ; it was not on a fair basis, and I have thought of many plans, but yet have not known a good one.

Q. That is the difficulty—putting it on a fair basis ?

A. Yes, sir. You can understand a theory, but when you come into the absolute working of it, every turn you take you can see where you are unfair to this man by giving that man a fair share with him.

Q. I suppose that nothing could be worse than the idea of a prisoner thinking that the warden or superintendent was unfair ?

A. All the most of them want to know is that you are going to be fair and firm.

Q. Do you study the prisoners' individualities ?

A. Yes, sir. Speaking of the rules, I was going to say to you that I do not believe it possible to make a rigid iron rule to govern any place of this kind ; the patients, which they are in one sense, stand in the same light before the warden or their keepers as, I think, the sick do before a doctor. To some extent they have all got the ague. The same medicine will not cure the ague in them all or any other disease. A physician of any eminence attains that position by his judgment of the treatment. It is the same here. It is very seldom you will find a treatment will have the same effect upon two persons.

Q. Does your Board give you full authority to carry out your different modes of punishment with the various prisoners ?

A. Yes, sir.

#### *Re* TOBACCO.

Q. Do you give tobacco to prisoners ?

A. Yes, sir, I think about two ounces a week on an average.

Q. Do you find that that has a good effect ?

A. Well, with those who chew tobacco it has, but I am not in favor of giving tobacco, if I could get out of it. I think when persons come here they should lose their little luxuries.

Q. And taught it is a punishment ?

A. Yes, sir.

#### *Re* DISCHARGE.

Q. Do you give any money to prisoners on their discharge ?

A. Yes, sir, from two shillings to two dollars, according to how he has behaved himself, how he has worked and conducted himself, and the surrounding circumstances.

Q. And the period he was in ?

A. Yes.

Q. Is that left entirely to you ?

A. Entirely with me

Q. No one else has anything to do with it ?

A. No one. I take his receipt as a voucher.



Q. Do you give them any clothes when they go out?

A. Yes, sir, when they need them. A short-time man will go out with the same clothes he comes in with; we will repair them.

Q. Do you give short-date men a new suit?

A. Very seldom.

Q. Long-date men?

A. Yes, sir.

Q. If a man's conduct has been bad in the prison, do you give him any money?

A. Very little.

Q. Do you give him any new clothes?

A. Not unless I have no old ones to give him.

Q. Do you send prisoners to their homes?

A. Yes, sir.

Q. In every case?

A. Yes, sir.

Q. Is that the law?

A. Yes, sir. I put them on the train, of course.

Q. Supposing a man is convicted in Detroit and his home is elsewhere?

A. If he is a good man and convicted in Detroit, but says his home is in Jackson, and he wants to go home, I give him a ticket and send him home. But we have a peculiar law here. You are not allowed to send them from one county to another. When I find a man here for three months, and he says, "My home is in the western part of the State; I came in here from a combination of circumstances, and I would like to get home;" I will say, "How are you going to get home." He will reply, "I will have to work and get means." I know the fare, and will say, "If you behave yourself for the balance of the time, and no offence charged against you, I will give you a ticket home."

Q. Do you use these means—a little money on discharge, and clothes, as a means of encouraging good conduct?

A. That is one of the means, sir.

Q. The different prisoners know that regard will be paid to that?

A. Yes, sir.

Q. Do you think that a good plan?

A. Well, it is one of the means.

Q. Is it in the written rules?

A. No, sir.

Q. I mean the rules hung up in the shop?

A. Oh, no. I have none there. I took them down and threw them away.

*Re* DIETARY.

Q. Have you a fixed scale of dietary ?

A. Yes, sir

Q. Can you give us a copy of it ?

A. Yes, sir. It is as follows :—

Monday—Breakfast—Corned beef hash, bread and coffee. Dinner—Fresh beef, vegetable soup, potatoes and bread.

Tuesday—Breakfast—Beef stew, with bread and coffee. Dinner—Corned beef, with vegetables (whatever we have), and coffee and bread.

Wednesday—Breakfast—Meat stew, bread and coffee. Dinner—Beef soup, with pork, bread.

Thursday—Breakfast—Corned beef hash, bread and coffee. Dinner—Vegetable soup, with fresh beef, potatoes and bread.

Friday—Breakfast—Stew, coffee and bread. Dinner—Corned beef and vegetables, coffee and bread.

Saturday—Breakfast—Stew, bread and coffee. Dinner—Irish stew or Dublin stew. For supper they have bread, with tea or coffee.

Q. Does every prisoner get the same quantity of food ?

A. Every prisoner gets as much as he wants to eat.

Q. You have a fixed scale, though ?

A. Yes, sir ; they sit at table and get all they want.

Q. Is every article of food limited, or do they get all the bread they can eat ?

A. Yes, sir ; all they can eat.

Q. Do the prisoners take meals in their cells or in association ?

A. Most of them in the dining room. Feeding in the cell is one of the punishments. I will say, "Put him in the cell and feed him there," and then the enquiry will be made, "What a man is fed in his own cell for ?"

Q. Do prisoners regard taking their meals in the large dining-room a privilege ?

A. Yes, sir.

Q. Do prisoners regard taking their meals in the cells as a punishment ?

A. Yes, sir.

Q. Would you recommend the association principle in regard to serving meals ?

A. Yes, sir ; I think it a good way.

Q. Do you find that the prisoners cabal together in that way ?

A. No, sir ; my officers are all there with them ; every man in charge of his prisoners.

Q. How many men to each officer at the dining-room table ?

A. All the officers we have are in the dining-room ; all there, just as if they were in chapel

Q. Do they go to their own cell after dinner ?

A. No, sir, when they leave the shop at 12 o'clock, they march to their cells direct ; they stay there for, say 30 minutes, while the officers are at their dinner, and then they unlock the prisoners, and take them to dinner, and they have 35 minutes to take it in and get back to their work.

*Re* APPOINTMENT OF OFFICERS.

Q. Who appoints the Warden and superior officers of the prison ?

A. The Board appoints the warden, and the Warden appoints every other employé.

Q. Including the clerks ?

A. Yes, sir.

Q. Every man is appointed by the Warden ?

A. Yes, sir. And if he discharges them, there is no appeal from his discharge.

Q. No approval of his appointments ?

A. Well, yes, sir ; for instance, I make an appointment, the Board meet next Tuesday, and I will say—since the last meeting I have discharged such a man and hired such a person in his place.

Q. Then you dismiss in every case ?

A. Yes, sir ; I take a man from the shop, or a guard from the wall any moment, and I do not give him time to turn around before he is out and gone.

Q. Supposing some State or municipality had the appointment of the guards over your head and without your approval ?

A. It would not work—could not work, and does not work. There is an insubordination ; if it is not apparent, there is an undertow, which is far worse. I put a guard on the wall, for instance, and then I work him round, and finally get him into the position of an officer in charge of a shop. I begin at \$30 a month, and work him up to \$40 and \$45.

Q. And board ?

A. And board. I promote him right along.

Q. Have you some men with you during the whole of your seven years' service ?

A. I think I have two.

*Re* SURGEON.

Q. Have you a prison surgeon ?

A. Yes, sir.

Q. Does he make a daily visit ?

A. Yes, sir.

Q. Does he make it a given hour ?

A. Yes, sir.

Q. Does he see every prisoner who enters the prison ?

A. Oh, no, unless he is called to see him.

Q. Does he not examine them as to their health when they arrive ?

A. Not unless I deem it necessary to call his attention to them.

Q. Does he inspect the food ?

A. Yes, he does, every day. He takes his lunch there every day.

Q. Is he under your orders ?

A. Entirely so.

Q. Have you a separate hospital ?

A. Yes, sir, a hospital for men and women, separate.

Q. Does he in any way interfere with the dietary of the prisoners ?

A. Not unless he orders diet for the sick ; he has nothing to do with the general food.

Q. Do you consider it important that he should visit the prison at a given hour ?

A. Oh, yes, we are ready for him then, and men are brought out to wait upon him.

Q. How often does the doctor come ?

A. Every morning, and he remains from one to two hours.

Q. What is he paid ?

A. A nominal sum, about \$600 ; of course, we send for him during the day or night, when required.

*Re* CHAPLAIN.

Q. Have you a chaplain ?

A. No, sir.

A. How are the religious services conducted ?

A. By the resident clergymen of the city, in rotation. For instance, we have Presbyterian one Sunday, Methodist next, Catholic next. Every fourth Sunday we have Catholic service, and Presbyterian every third Sunday. That is about the way it goes.

Q. Do all the prisoners attend the respective services ?

A. They do.

Q. Do the Catholics attend the Presbyterian services.

A. They do.

Q. Is there any trouble in regard to that ?

A. None, whatever ; none with me.

Q. Do they consider non-attendance a deprivation ?

A. Yes, sir ; I have sometimes to keep a man from going to chapel.

Q. And do they consider that a punishment ?

A. Yes, sir.

Q. Do you compel them to attend chapel ?

A. Yes, sir.

Q. You compel a Catholic to attend ?

A. Yes, sir. I compel obedience as far as possible. For instance, in the opening of our services, it is inconvenient to kneel ; we have no kneeling ; they stand too close for that ; at the opening of all the services we make them stand up. At the celebration of the mass during the Catholic service, as many as wish can observe the different motions as they go along, and those who do not wish, need not ; but at the reading of the Scripture lesson, and before the sermon, all stand up. I simply made the suggestion that I thought it would look better, and it was done very cheerfully.

Q. When a prisoner is under punishment in the dark cell, do you bring him out to service ?

A. No, sir.

Q. What do you think the effect would be, as a matter of discipline, of bringing the prisoner out of the dark cell and bringing him to chapel ?

A. I think it would be very detrimental to discipline.

Q. Have you week night meetings ?

A. No. We have concerts and readings and lectures, given by gentlemen in this city. We have our Sunday morning service, and in the afternoon a bible-class for all who desire to attend. In that class we have from 180 to 220. In the afternoon we have Sunday-school, taught by the ladies of the city.

#### Re LIBRARY.

Q. Have you a library ?

A. Yes, sir.

Q. Under what conditions do you give prisoners books ?

A. We give books to all well-behaved men that can read and want them. They have gas light until 9 o'clock at night. The light is not in the cell, but is out in the corridor where they can see. The cells are 7 feet long, 4 feet wide, and, I think, 7 feet high.

Q. Who takes charge of the library ?

A. One of the prisoners.

#### Re VENTILATION.

Q. Has each cell direct ventilation ?

A. Yes, sir ; the dark cell is ventilated precisely the same.

#### Re BUCKETS.

Q. Has each prisoner a bucket at night ?

A. Yes, sir.

Q. What kind of buckets are they ?

A. Iron.

Q. Do you deodorize them every day ?

A. Yes ; here is one of the buckets that we use.

Q. Do you disinfect that ?

A. Yes, and keep it cleaned every day : we put disinfectants in once or twice a



week. The name of the bucket is "Jones' Patent Odorless Soil Bucket," patented 1880; manufactured by Crebbon, Seiton & Co., Chicago.

*Re* PRISON STAFF.

Q. Your clerical are all under you?

A. Entirely.

Q. Do you allow any person to do office work—keep any of the books?

A. No, sir. We have a prisoner in the shipping office assisting the shipping clerk.

Q. But you do not allow any person to keep any books?

A. No, sir. In my foreman's office, where I have the account of my stock kept, I have a prisoner assisting him. It is only keeping track of the stock. That is really no book-keeping.

Q. Do you allow prison officers, guards, or employes to discuss prison affairs?

A. No, sir.

Q. What is the result of such conduct?

A. Oh, I think it would be detrimental to good discipline. If I found it out I would discharge them. They will discuss it more or less amongst themselves.

Q. Do they ever give information to the newspapers?

A. Not very often. Information has got out that must have come in that way.

Q. If it comes to your knowledge, what do you do?

A. Dismiss them in a minute.

Q. How many officers have you?

A. My force is very low. I have two men in the office that do all the office work, and then I have a man that keeps the time record, receives and discharges all prisoners, and keeps the time sheet. To-day or to-morrow he will bring a list of the men whose time will be out this month, and I run my eye over it and see how the good time comes in. Then I have a man at the door, and a shipping clerk, and a man in charge of the hall, and a deputy, and I have one officer in each shop. I have some foremen and instructors. We have 48 employes of all kinds.

Q. How many officers have charge of the prisoners when in the dining room?

A. Fifteen in charge of 450 or 550 prisoners.

Q. How do the prisoners regard the guards as a rule? Do you find much bad language at any time from the prisoners to the guards?

A. Not a word.

Q. Do the guards ever complain?

A. No; they have no opportunity.

Q. How many cases of escape have you had?

A. Never have had any escape from the prison since I have been here; oh, yes, I had one boy who went out through the roof.

*Re* CELL DECORATIONS.

Q. Do you allow pictures in the cells?

A. If they have any little pictures, we let them pin them up if they want to.

Q. At the annual cleaning do you take them down?

A. Oh, yes, we take them down and whitewash every two or three months.

*Re* INSANE.

Q. What do you do with your insane?

A. They are removed on the doctor's certificate. One class is removed by the Circuit Court, another class by the Probate Court, and now we have a law that they are removed to the penal portion of the asylum that goes into effect very soon.

*Re* SLIDING RING.

Q. What is your opinion of the sliding ring as a means of punishment?

A. I shall adopt it.

*Re* TASKS.

Q. Is there a task given to prisoners?

A. No, there is no stint. I expect every man to do a fair day's work.

*Re* BATHS.

Q. What are your bathing arrangements?

A. Every shop has at least one bath tub, but in the large shop I can bathe 16 at a time with the shower bath. Each person is in a compartment by himself. I consider the shower bath the best.

*Re* CLOTHING.

Q. How often do you change prisoners' clothing?

A. Once a week.

*Re* BUYING MATERIALS.

We buy materials for manufacturing purposes in the open market, and also sell our goods in the open market.

Q. What effect has the system of carrying on your own industries upon the other furniture makers' establishments?

A. I think it must come in contact to a certain extent, but if you put two men, each working at opposite sides of the earth they will come into contact. The men cannot be kept idle. I buy as cheap as I possibly can, but we do not undersell.

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INTERVIEW WITH MR. H. F. HATCH, WARDEN OF THE MICHIGAN STATE PRISON, OF JACKSON, MICHIGAN, SEPTEMBER 1st, 1885.

Q. This is one of the State prisons for Michigan?

A. There is only one other, that is the Iona House of Correction.

Q. That is a comparatively new institution?

A. Yes, sir, comparatively new.

Q. Does that receive the same class of prisoners ?

A. Not entirely. They are younger and for shorter terms.

Q. When was your institution established ?

A. Somewhere about 1842.

Q. Is it worked under charter ?

A. Oh, yes ; there is a statute law.

Q. Have you a copy ?

A. Yes, sir. (See copy presented to Commissioners.)

Q. What is the capacity of your institution ?

A. We can keep 1,000 men here.

Q. All men ?

A. Yes, sir ; we receive men only.

Q. How many have you in custody now ?

A. 736.

Q. How are they sentenced to this penitentiary ? From courts ?

A. From all the courts in the State.

Q. And for what period ?

A. All the way from 6 months to life ; very few six months men. I came very near saying a year, because most of the 6 months men go to Ionia, but occasionally a 6 months man is sent here.

Q. Are all the sentences for fixed periods ?

A. Yes, sir.

Q. You have not yet adopted the indefinite sentence ?

A. Indeterminate. No, sir. That law passed our legislature last session, and was vetoed by the Governor on account of other obnoxious elements that were in the same bill. He was in favour of the indeterminate bill, as I understand it, but the legal men of the State had got a clause in there abolishing the contract system, and it had all to fall together.

Q. Do you advocate that system ?

A. Yes, sir, earnestly.

Q. You are in favor of the indeterminate sentence ?

A. Yes, sir.

#### *Re* INDUSTRIES.

Q. What industries do you carry on ?

A. We have waggon contracts ; contracts for agricultural implements, cigars, brooms, and we make broom handles on State account.

Q. Are these industries carried on by State contractors ?

A. By contractors, except the last, the broom handles.



Q. The entire discipline of the prison is, of course, in your hands?

A. Yes, sir.

Q. And is the prison self-sustaining?

A. It has been for the last 6 months. Answering the question generally, it has not been.

Q. Has it been far from it?

A. About \$20,000 a year.

#### *Re* DISCIPLINE.

Q. Does the charter of the prison or the statute law under which you are established confer on certain officials the right of framing regulations or by-laws?

A. Yes, sir.

Q. What is the name of that board, or is it a Board of Inspectors?

A. A Board of Inspectors. The warden makes the rules and regulations under which the convicts are disciplined, but they are approved by the Board.

Q. Before they take effect?

A. No, sir; not before they take effect. An order for discipline from the warden would take effect at once, but on appeal to the board they would have power to abridge it.

Q. The Board of Inspectors are appointed by whom?

A. By the Governor, and confirmed by the Senate.

Q. Does the Board frame the regulations?

A. No, sir, the warden frames them, and they go into effect upon his order.

Q. I suppose we can get a copy of the regulations?

A. Yes, sir. (See copy.)

#### *Re* PUNISHMENTS.

Q. Is the punishment of prisoners authorized under your statute or charter in a general way?

A. Yes, sir.

Q. Are the punishments defined by regulation or by-law?

A. No, sir.

Q. Are they simply awarded by you as warden?

A. Yes, sir. The rules and regulations you refer to refer to conduct. Irregularities in conduct bring penalties which the warden names.

Q. Then there is no definite limit as to those by any legislation?

A. Yes, sir; the shower is prohibited, and flogging with the lash is also prohibited.

Q. Have you, in addition to the punishments, deprivations of privileges?

A. Yes, sir.

Q. Will you kindly state what the system of punishment is?

A. How I manage?

Q. Grading it up—commencing with the lighter punishments for the lighter offence, and going up to the most severe?

A. It is a difficult thing to communicate to another man what the theory of punishment in the prison is, because you are impressed by the person of the prisoner, his former character, what kind of man he is, and what he has done this time. You treat every man distinct and separate by himself.

Q. Individualize him?

A. Yes, sir. The same offence would not bring the same punishment to all.

Q. That is, the same offence in one person would not bring the same punishment as you would award to another?

A. That is it; it would depend a good deal, too, upon what the man said when he came before me; how he acted. We must have these men mind they must obey the orders they get, whether they think they are right or wrong; they must obey them implicitly and instantly, and without contest or discussion. If I believe a man will do that, that is all I want; and I will inflict punishment unless I believe he will do that, whatever is necessary. I never punish a man for a thing he has done, but because I do not want him to do it again.

Q. In other words, you forego the first offence? Do you also admonish and warn first?

A. A man comes in before me, and if he looks like a generous man, like a man you could handle, I take him by the arm and say, "I am sorry you do this; it seems to me as though a man of your intelligence"—all men are subject to flattery—"would have known better than to do this. Now, it is necessary for me to have the rules of this institution obeyed instantly and without contest or back talk. You have not done that. I do not want to punish you or keep you in prison, but it is necessary for me to make you obey these rules, and I shall do it. Are you ready to go back to the shop there and obey these rules in that way." He says, "Warden, I will do the best I can." "That will not do, John, you must succeed. Are you sure that you can succeed in doing that?" "Yes," he says, "I am." I say, "Never let me see you come before me again, John, under report," and then he goes to the shop. It does not make much difference what he has done, if he will talk to me in that way, but it will not do at all for him to be reported again.

Q. You insist upon the subjection of his will to yours?

A. Yes, and I do it by kindness, if I can.

Q. Suppose you meet with a refractory prisoner who will not?

A. Yes. Supposing he has been talking, and this is the third time, and the talking was in the chapel—that is worse than talking in the shop, and it was on Sunday. I would say, "John, I let one of these reports go"—you will understand his good time is taken away from him if a report is filed—"I let one report go and I filed another, and here comes another one; what am I to do about it. You cannot write any more." I look at him a minute, and he does not say much; I tell him "You cannot write any more, and you cannot see any more your friends until I am satisfied you intend to behave yourself." "Well," he says, "Warden, I will do that." "Well, John, you can see me in a month from now, and I will see how you get along. You can send your number and ask to see me, and perhaps if you are getting along all right I will help you. I do not want to deprive you of the privileges, but you make me do it."

Q. That is passing beyond admonishing, but it is still within the bounds of admonishing?

A. Yes, sir: all of them are.

Q. Say that he still continues refractory ?

A. We do not go to extreme punishment for talking. I have got to pass on to something else.

Q. Say that a man refuses to work after repeated admonishments ?

A. That will not occur after repeated admonishments.

Q. Say that he refuses to work ?

A. He refuses to work ? That occurred yesterday, and I wish you had been there and you would have seen exactly how it occurred. I have had two cases within the last week of men refusing to work. One of them, the foreman changed his seat, and he did not like it and was mad, and said he would not go—would not work there. The keeper sent for the deputy and the deputy brought the man in and sat upon the seat. I went in there and looked at the man and says, "How long have you been in prison ?" "Fourteen months." "It seems remarkable to me that a man who has been in prison fourteen months would not know better than to say 'he would not.'" He says, "Warden, there is no use of his setting me over there ; he does that just because he is down on me." "You are not to discuss that question. If you had obeyed and taken your place over there in that seat, and then come to me and said that the man did that to abuse you, would you not have been in a stronger position than to say you will not ? Are you ready to go back there and take your place in that seat, and do your work conscientiously ?" "I am, sir." "Now, you obey me, but you do not obey the foreman. Now, I have to say to you that that will not do at all. You must obey the foreman the first time he speaks to you again ; will there be any trouble about that in future ?" "No, sir." He tries to explain it to me, but I will not allow him. "You can not explain your differences or misfortunes to me while you are not obeying rules ; you go back to the shop and obey them, and then you can." Another man was on the free list as a lumper, and he was a hard man—a professional crook. A lumper is one who has liberty to go about the shop. I detected him carrying letters or notes, and carrying things he ought not to do, but I did not have a report on him. It was convict testimony I got it from, so I could not haul him up for that, but I told the superintendent of that factory that I wished he would put this man down at work somewhere under the keeper's eye. So he did. He told the man Saturday night, he must go to work Monday morning, and he told the foreman he would not do it. The keeper talked to him, and he told the keeper he would not do it, and that he might tell the deputy so. I saw the man, and he said he would not do it ; that he had worked 22 months, and they had done it to bother him. I knew it was not so, and he talked stern to me and saucy. I said "Deputy, you flog this man until he will work." He gave him 25 stripes with a strap 2½ inches wide, and the man would not yield. I says, "Lock him up in a cell, and bring him out tomorrow morning, and give him 35 more."

Q. That is in the dark cell ?

A. No, an ordinary cell. I have no dark cells. I never confine a man for punishment. All men have to mind now. He was locked up, and the next afternoon I sent for him myself. I said, "John, how do you feel ?" "Well," he says, "Warden, I think they are ill-treating me." "You are in no situation to talk to me about your treatment until you obey ; when you do obey, then you can talk to me about your treatment, and not before. Are you ready now to go out there and go to work ? And he commenced to talk again, and I stopped him. I says, "You cannot do that, and I shall not see you again. I will not be up in the morning when the men go out and when you are to go out with the rest, and I either want to give an order for you to be flogged in the morning or for you to go out with your company. He says, "I will go out with my company." I says, "Then, do not let me hear of this again ; you cannot say you will not do these things ; you must obey." Those are the only two cases of that kind I have had in three months. Men hardly ever say, they won't. in here, because a peril is attached to it in-

stantly, and it comes as rapidly. I would not hesitate at all ; a man has to mind right off, and when he does, I will see that he has generous treatment. It is a generous policy we intend to adopt: treat him as well as we can, speak to him generously and kindly always, and give him good advice. Any help he wants, any good advice about his legal rights, all that I hear patiently. There is not a prisoner in the yard but can see me every morning about anything he wants to see me about. I go in there about 9 o'clock and see every man that wishes to see me. You will understand they sometimes talk a good while and I will stop them. There is no other warden in the States that does that as much as I do. I come in contact with my men all the time. I want to know each man's character and temper. I attend to every case myself. No man is punished without my order, and I try to treat him so generously—make the paths so far apart that no man will want to travel far in the wrong one. I always give a man fruit for doing right.

Q. But you expect strict obedience ?

A. Immediate.

Y. And promptly ?

A. Promptly and without contest.

Q. Then, flogging with the strap is the extreme punishment ?

A. Yes, sir.

Q. You have no dark cell ?

A. I never put a man in the dark cell.

Q. Are you opposed to that system ?

A. Very much so.

Q. Do you find that the strap is the best ?

A. Yes, sir, and I will tell you why. There are a great many modes of punishment in prisons. I think most of them tend to injure a man's health, dark cells especially. A man of nervous temperament and a good deal of vigor and will power in a dark cell will hold out indefinitely until he is a lunatic. But, of course, by putting up his hands in the handcuffs and cutting down his provisions you can bring him in 10 or 12 days, or 5 or 6, and with some men in 2 or 3 days, and with others right off. Of course, they are weak men, but a man with full power will stay in the dark cell without those other things until he is dead or crazy. If you handcuff them up by the wrists I believe you are liable to injure them. That is one of the best punishments and most recommended in the Eastern Penitentiary.

Q. What is that punishment called ?

A. The slide.

Q. Do you approve of that mode ?

A. I think it is amongst the best, but I never use it much—very few times. I have, once or twice, when I didn't want to flog the man, didn't feel as if it had quite come to that. But I have always been afraid, especially on a heavy man, that I would hurt him, afraid I might put his wrists out, while strapping will do no harm.

Q. Where do you strap ?

A. Right on the bottom. It hurts a man terribly, and will bring him to time right away, and it will never harm a man at all.



Q. Do you do that before other prisoners?

A. No, sir. The doctor is always present; no blow struck after he instructs to stop.

Q. In regard to lighter punishment, do you deprive them of meals?

A. No, sir.

Q. Do you ever lock them up in the ordinary cells?

A. Only for consideration—while considering what to do with a man—while I am in doubt what is best to do. Two men may have been fighting, and I am a little in doubt. I have heard the officer's statement or report, and there is one other person's statement I want, and I will say, "Lock this man up," but perhaps for not more than two or three hours.

Q. You never do it for an indefinite period, to bring them to subjection in that way?

A. No, sir.

Q. Now, are you the only officer who adjudicates upon these various cases and awards punishments?

A. Yes, sir.

Q. Do you delegate it to any other officer?

A. No, sir, not while I am here.

Q. It is a matter entirely within your province?

A. Yes, sir. You may state that a report of each one of these punishments is kept and referred to the Board of Inspectors every month.

Q. Have you any irons at all? Do you shackle at any time?

A. We have done it where men have had a little skirmish and been a little bit off.

Q. Is that the leg shackle?

A. The handcuffs. Handcuff one on each side of the door and let them look into each others faces.

Q. For a short period?

A. Well, for five or six hours.

Q. Do you find that that brings them to subjection?

A. It would not bring a wilful man to subjection at all. It will bring lots of men who come in that are in subjection the minute they come into the presence of the warden.

Q. In carrying out that mode of punishment, the moment a man expresses contrition he is let down?

A. That is what I was going to say. Now, these men have come in and they promise to do everything right in the future, but they have been a little bit bad before, and I hook them upon this door for five or six hours, as a punishment. They are willing to promise to obey all the time, but I cannot overlook it this time. I put them up there for five or six hours to let them know there is some punishment attached to it.

Q. Do you always enquire yourself into the circumstances connected with the complaints made about the prisoner

A. Every time.

Q. Do you bring the prisoner before you or do you confront him with the complaint?

A. I bring the prisoner before me, not the complaint?

Q. Does a guard come before you with the prisoner and state the case?

A. No, sir. I have the report before me in writing.

Q. Signed by——?

A. The guard.

Q. And you hear the prisoner?

A. Sometimes I question him, but generally not, because the statement of the fact is there; and if he says to me, "Warden, can I speak to you about it?" I say, "Yes," possibly, or "No," possibly, as the conditions would seem to warrant. Of course, if he has been a very bad man before, and this report is a serious one, why I would not allow him to talk.

Q. Do you generally find that prisoners are unworthy of belief?

A. Almost always.

Q. The complaint is made in writing always?

A. Yes, sir.

Q. Is a record kept of every punishment you mete out?

A. It is.

Q. Also the deprivations? Where they are deprived of privileges, do you keep an account of that?

A. No, sir, except in the office, where it is necessary to keep it.

Q. That record of punishments comes before the Board of Inspectors?

A. Yes, sir.

Q. And they examine it?

A. Yes, sir.

Q. Do you require authority from any superior officer before inflicting the strap?

A. No, sir.

Q. The strap is the "paddle"—what is otherwise called the "paddle" by some?

A. Yes, sir.

Q. The strap does not bring the blood?

A. No, sir, never. There is not a man in the world that could bring blood with it if he tried.

Q. Who inflicts it?

A. The deputy-warden.

Q. Is there a handle to it?

A. Yes, sir; the handle is about 18 inches long, and the strap a little longer; it is thick heavy sole leather strap.

Q. Is there any class of offences committed by prisoners where you punish first without warning? Take a case of this kind, where a prisoner refuses to work—if he continues in that refusal, then you punish in that way?

A. Yes; but I might possibly without warning if it came from just the right kind of a man.

Q. You explained that at first—you spoke of the character of the man?

A. Yes; I know all the hard men in the yard.

Q. From your experience, do you consider your mode of punishment sufficiently effective for all purposes?

A. Yes, sir; it never fails.

Q. You think it is the best?

A. I do. Let me say here to the stenographer that it must be used with good judgment and good sense, and a good head. A man that is brutish in his temperament could not use this method of punishment successfully; it must be all interwoven with kindness and generous treatment, and impressing upon these men that the warden wants to do the best he can for them all the time, and that he will do so every time that they will give him a chance.

Q. Establish a confidence in him?

A. Yes, sir; so that the men themselves have a pride in the discipline. I want to tell you that our men have a pride in the discipline of the yard themselves.

#### *Re* REWARDS.

Q. Have you a system of rewards for good conduct?

A. Yes, sir.

Q. Can prisoners earn a portion of their sentence remitted by good conduct?

A. Yes, sir.

Q. Do you keep a daily record of each man's conduct; do you make bad marks against him?

A. Make bad marks against him.

Q. The bad marks are his record?

A. Yes, sir; every man is entered with all his good time on the books, a record of his offences is kept and charged against him.

Q. He is presumed to be good?

A. Yes, sir.

Q. A man who has invariably been of good conduct, what time does he earn off?

A. That is in the Statute law. It constantly varies, as the time wears on up to twenty years. I will give you a book containing that information.

EXTRACT FROM THE STATUTE.—“The Board of Inspectors may establish a proper scale or rate of debits and credits for good conduct or misconduct, which shall be a part of the rules of discipline of the prison, and in a book to be kept for that purpose, may cause to be entered up, at the end of each month, the total of credits to which each prisoner may be entitled; they shall require the warden on the first day of each month, by means of cards or otherwise, to announce such result to each prisoner.”

"The warden shall keep a record of each and all infractions of rules of discipline by convicts, with the names of the persons offending, and the date and character of each offence, which record shall be placed before the managers at each regular meeting of the Board, and every inmate who shall have no infraction of the rules of the prison and laws of the State recorded against him shall be entitled to a deduction for each year of his sentence, and *pro rata* for each part of a year, when the sentence is for more or less than one year as follows:—From and including the first year, up to the 3rd year, a deduction of two months from each year; from and including the 3rd year, up to the 5th, a deduction of 75 days for each year; from and including the 5th up to the 7th, a deduction of three months for each year; from and including the 7th year up to the tenth year, a deduction of 105 days for each year; from and including the 10th year up to the 15th year, a deduction of 4 months for each year; from and including the 15th year up to the 20th year, a deduction of five months for each year; from and including the 20th year up to the period fixed for the expiration of the sentence, six months for each year. The Inspectors shall provide by rule how much of the good time thus earned a convict shall forfeit for one or more violations of the prison rule. The Warden, in computing the diminution of time for those now in prison, shall allow them for the good time made up to the time this Act takes effect, in accordance with the provisions of law previously in force, and thereafter it shall be computed in accordance with the terms of this section. Whenever a convict has been committed under several convictions, with separate sentences, they shall be construed as one continuous sentence in the granting or forfeiting of good time."

Q. In your opinion, would a system of granting remissions apply to short-date prisoners?

A. Oh, yes, it would apply to all men.

Q. You would make no distinction at all in that respect?

A. It is the temperament of the man that governs, and not the time he has got to be in the prison.

Q. In the case of a man who was continually coming back to prison, what is known as a recurrent criminal, would you apply it to his case?

A. Yes, sir: they are amongst the best convicts you have.

Q. Has this system of earning a remission a good effect in producing good behaviour?

A. Yes, sir, very good.

Q. Do you find that the case, Mr. Warden, that the men who have been in prison before are the best behaved?

A. Professional criminals are the best behaved convicts as a rule; that is what I mean to say; of course they are keen, shrewd, practical men, and know better than to jog their heads against the warden.

Q. But I suppose you have a few of the drunken and dissolute characters in your prison?

A. Oh, we have some, but they must have committed a serious crime in order to get here.

Q. They would not be here for mere drunkenness or vagrancy?

A. Oh, no.

Q. Do you give prisoners any interest in the pecuniary results of their labor?

A. No, sir.



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Re TOBACCO.

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Q. Do you give them tobacco ?

A. Yes, sir.

Q. To chew ?

A. Yes, sir.

Q. How much ?

A. A good big plug a week.

Q. Do you think that has a good effect upon them ?

A. It is a pretty hard question to answer. Everybody differs about that, you know. I wish they did not use it, but at the same time I would hate to cut it off. I think they would all be cross.

Q. Do you give the prisoners money on discharge ?

A. Yes, sir.

Q. Do you give it to those whose conduct has been bad ?

A. Yes sir ; to all.

Q. Perhaps they are entitled by law ?

A. Regulated by Statute. (*See Statute*).

Q. And you also give them clothes ?

A. Yes sir.

Q. And you send them to their homes ?

A. No, sir. A man is put out in the sunshine with his \$7.50, or \$10, whatever he gets.

Q. And I suppose frequently makes out to get back before it is all spent ?

A. The worst of them will generally stand it a month.

Q. May I ask you, then, whether your system of prison discipline may be pronounced to be a rigid kind, or is there some elasticity in it.

A. I hardly know how to answer the question, because I hardly know what it means. It is very rigid in one way.

Q. I should judge from your explanation that it is rigid ; you exact prompt obedience ?

A. Yes, sir.

Q. But I mean do you overlook little offences ?

A. Yes, sir.

Q. For instance, talking ?

A. Yes, sir.

Q. Do you encourage guards to report such little offences ?

A. Not if they can handle them themselves. I encourage a guard to talk to a man himself, and only report him when he feels he cannot control the man any longer.

Q. And when that fails for the lighter offences, then the report is made to you ?

A. Yes, sir.

Q. And you deal with it ?

A. Yes, sir.

Q. I understand you are not very strict in punishing in regard to talking ?

A. Not with severity.

Q. Unless it would interfere with the work in the shop ?

A. I am pretty severe on talking that occurs on Sunday in the chapel ; but if it is in the shop, I feel that the loss of five or six days in prison is all the punishment that a man ought to have as a general thing. If I file the report that will be the punishment.

Q. That lengthens his time, so to speak ?

A. Yes, sir.

#### *Re* DIETARY.

Q. Have you a fixed dietary ?

A. No, sir ; we shift around.

Q. Do you limit the quantity of food ?

A. No, sir.

Q. Do you just give them what they can eat ?

A. Well, they must be limited by the very condition of affairs ; they have all the bread they want, and generally the meat is not passed the second time, but if a man wants any more potatoes, he can always get them, or a piece of meat ; but the bread is always passed, so that every man has all he wants. The beans we generally pass twice, if we are using them ; and if they have gravy it is always passed twice.

#### *Re* METHOD OF DINING.

Q. Do you dine in association or in the cells ?

A. In associations for breakfast and dinner, and in the cells for supper.

Q. Do you find that that system is attended with any trouble.

A. No, sir.

Q. Do all the guards remain in the dining-room ?

A. Yes, sir.

Q. Do you give an hour for dinner ?

A. Twenty minutes at the table.

Q. Then, where are they the rest of the time ?

A. They come in three parties, about one-third at a time, and they take every other table ; then the other relief comes in and fills the table.

Q. Do you think there is any necessity for giving prisoners their meals in their cells ?

A. No, sir ; I do not.

Q. Do you disapprove of that plan?

A. I do not think it is a good plan; they do in Joliet, but it did not seem to me to be a good plan, because if a man should want any more bread, he could not get it, and if he is privileged to take more than he needs, it is wasted; while, if the bread is right by, he will not take any more than he wants.

Q. In bringing such a number of prisoners together in the dining-room, is there any attempt at cabals or mutiny?

A. Oh, no. You can put one thousand of the worst men there are in the world in the dining-room without the slightest disposition to that.

Q. Why do you not have them in association all the time; why do you make a difference at supper?

A. Because the supper is light. I do not give them a heavy supper. We are always anxious to put the men in the cells before there is any shade of darkness in the yard, so as quick as the bell rings we run them to their cells and feed them there.

Q. In the summer time, too?

A. Yes, sir; just the same; of course, there is more time in summer than in winter; we want time enough before dark to shut them up and see that we have everything snug long before dark.

Q. If a prisoner attempts to escape, do you punish or bring him up before the court?

A. I would never think of bringing him before the Civil Court.

Q. Do you attend to that matter yourself?

A. Yes, sir.

Q. What punishment do you award in a case of that kind?

A. I never punish a man for trying to escape; I did once, but it was mixed up with a bad affair. They were destroying tools and things of that kind to dig out the mine, and I pulled them out and punished them. I would not tell the convicts this, but I think if a man has got a long time, it is our business to keep him. I would not say that to them, of course.

Q. Have you any complaints in regard to food from the prisoners?

A. Occasionally, not often though; there used to be quite a good many when I came here first, but I have changed my steward, and we put a good deal more on the table now than then, and we have it pretty good, and cooked splendidly.

Q. The food is substantial and good?

A. Yes, the best kind; we cook by steam.

Q. Is it by convict labor?

A. Yes, sir; we have a steward who has charge of the whole, but he is not a professional cook; the convicts do all the cooking; we have no trouble in getting the best of cooks out of our prison.

Q. Who appoints you?

A. The Governor of the State.

Q. What other appointments does the Governor make in the prison?

A. He makes none.

Q. Who appoints the book-keeper or steward?

A. The chief clerk, the deputy warden, the physician, and the chaplain are appointed by the Board of Inspectors; all the other officers of the prison I appoint myself.

Q. The guards?

A. The guards and keepers.

Q. And do you dismiss?

A. Yes, sir.

Q. Are your appointments subject to the approval of Inspectors?

A. Yes, sir.

Q. And you have the power of dismissal?

A. Immediately. I do it quick, too; I shoot them right off.

Q. Have you a prison surgeon?

A. Yes, sir.

Q. Does he make daily visits?

A. He is here all the time; he lives perhaps three blocks from here, but he stays here all day.

Q. You were saying just now that the Board appoints the chaplain; is he always on the premises?

A. All the time; he lives in the house here.

Q. What denomination is he?

A. A Baptist.

Q. What do you do in the case of Catholic prisoners?

A. If a Catholic prisoner asks for Catholic literature he receives it; if the Catholic priest desires to see them, he is permitted to do that. If they want to see the Catholic priest, I send for him. Any religious book or document the priest wants to send in I send it right to their cells. They cannot hear the Catholic priest preach, but they can see him alone and have confession with him, if they want to, and all that kind of thing.

Q. But there is no service?

A. They have no service here. Our chaplain does all the preaching that we have.

Q. Do you compel all the prisoners to attend?

A. Yes, sir.

Q. Every Sunday?

A. Yes, sir.

*Re* LIBRARY.

Q. Have you a library?

A. Yes, sir.

Q. Who takes charge of it?

A. The school teacher.

Q. Is he a free man !

A. Oh, yes.

Q. Do you employ any prisoner in the office ?

A. No ; not in the office here. The deputy warden has a convict to assist him, and each of the departments has a book-keeper, and they could have a convict to assist them if they wished, but I do not talk to the convict much. If I found the man in charge of the department would not answer I would ask him why. I would want the man to be thoroughly responsible.

Q. How do they read at night ?

A. By lamp light ; a lamp in each cell.

Q. How long are they allowed a lamp ?

A. Until half-past 9.

Q. Then lights are out ?

A. Yes.

Q. Do you find that appreciated very much by the prisoners ?

A. Very much ; we are about to use electric light ; there will be a light in every other cell, hung outside, and there will be no light in the cell.

Q. What is the size of your cells ?

A. I do not know ; we have two different sizes, but they are the ordinary cell,  $3\frac{1}{2}$  by  $6\frac{1}{2}$ , I think, by about 7 feet high.

Q. Is there an opening for ventilation from each cell ?

A. There is in part of them ; there ought to be in all.

#### *Re* BUCKETS.

Q. What kind of buckets do you use ?

A. Wooden ones.

Q. Have you a system of disinfecting them ?

A. Yes, sir.

Q. Do you supply the prisoner with an unlimited supply of water—whatever they want.

A. Yes, sir ; they draw water from the end of every gallery ; they have no trouble in getting all the water they want.

Q. What are the hours of work ?

A. We work the men so that they will accomplish ten hours' work every day in the year. About this time of the year the first bell rings at ten minutes before six, and they go out to breakfast, and get into the shops all of them a little before seven. They ring out ten minutes before six. They do not come in altogether, and in the winter time the mornings and evenings are both short, so that we work them less than nine hours in the winter time, and in the summer time as high as eleven or over.

Q. Have you any complaint of overwork on the part of the prisoners ?

A. Yes, sir.



Q. They grumble?

A. Sometimes; I investigate it though.

Q. Do you stint them?

A. Yes, sir.

Q. Put them on a stint?

A. The most of them.

Q. They must do the task?

A. Yes, sir.

Q. Is this very often a matter of complaint with them?

A. Oh, occasionally.

Q. Do the contractors' foremen report?

A. No; they never report to me; they report to their own keeper, and the keeper reports to me, and he puts on the report, "By request of foreman Burns," so that I know what foreman has made the request.

Q. Have you any power over the contractors' foreman?

A. Perfect power.

Q. Can you discharge him?

A. No, but I can put him out of the yard; I did so last week.

Q. Do you require to exercise that power sometimes?

A. Yes, sir; I never did it but once. I did it a week ago; I would not do it if I could help it; I notified the contractor I was going to do it two weeks before I did, and as quick as he got ready he let me know, so that his business would not be interfered with.

Q. Supposing the man does not do his task, but can do it, what form of punishment do you impose?

A. I start slow on him and keep going along until he does the task; he gets the impression the first time he talks to me that if we both live he will do that task; but I am sure I am right before I do that; I beg you not to believe that I jump at conclusions. I go right out to the shop and I know the hammer he works on, and I look at all the circumstances before I see that man and make up my mind, and I am governed a good deal by the kind of foreman. I am liable to say to that foreman, "You have given that man too much of a task." Our tasks are in long lists, signed by the warden; I look it all over before I hang it in the shop, and if they want to change those tasks, they must not do it without consulting me. A task is not apt to be given out that is not right. I claim my yard is under such discipline that when the convict knows I have assigned him that task myself he will not make a contest about it.

Q. What if the prisoner performs his task ahead of time?

A. He can lie down in his place, or sit down in his place, or do anything in his place, but he cannot leave it.

Q. He cannot talk?

A. No, sir; he is not permitted to, but they do sometimes.

Q. What experience have you had?

A. I was contractor here to the prison for five years.

INSPECTOR CHAMBERLAIN—We start out here with a view of reforming these men, and we have in connection with this prison a school at which all prisoners are required to attend : that is, if they are able to do so. The school-rooms are fitted up, and the guards are the teachers. They go into school after six o'clock twice a week ; they remain there two hours, but the time varies according to the time of the year.

Q. What are they taught there, Mr. Inspector ?

A. Reading, writing, spelling, arithmetic, geography, the branches taught in the primary school.

Q. And do the prisoners consider that a great privilege, as a general thing ?

A. Yes, sir ; a large number do ; some do not want it, of course. We have a professor who has charge of the school.

*(Interview with Warden resumed).*

#### Re BATHING.

Q. What are your bathing arrangements, Mr. Warden ?

A. We have a bathing house that is built so that we shower them. A company goes in there ; they have hooks to hang their clothes on, and they step right into their place. At a signal from the guard the water is turned off ; no man gets into water that another man has been bathing in. It is tepid water.

Q. How often do you change their clothes ?

A. Every week ; the whole yard is bathed every Sunday.

Q. How often do you change the blankets ?

A. As often as they need it. Some men dirty the blankets up a great deal more than others. It is very dirty work in some shops, and if the keeper throws out blankets to be washed, they are washed ; he has perfect charge of that.

#### Re INSANITY.

Q. In case of insanity developing in the prison, is he at once removed from the prison ?

A. No, no.

Q. Have you a separate place for him ?

A. Yes ; but we have lots of men that are half insane in the yard.

Q. What you call cranks ?

A. Yes, sir.

Q. But you still keep them within the prison ?

A. Oh, yes.

Q. Do you put them at light work ?

A. Well, it depends upon what kind of men they are. Lots of cranks do good hard work in the yard, and any keeper can handle them that knows how ; if he talks to them right there is no trouble whatever.



Q. Then, have you any case of positive insanity?

A. Oh, yes; we have an asylum where men are confined constantly; it is just outside the wall, but it is connected with the prison.

INSPECTOR CHAMBERLAIN—The State last year provided an insane department, connected with the Ionia prison, to which all the insane prisoners are to be sent. All of ours will be sent within a week. There is one other matter in connection with the chaplain; besides attending to the religious services on the Sabbath, he has charge of all the mail matter coming in and going out to convicts. The letters are delivered every day to the prisoners, and he permits whatever papers he thinks proper to go in.

Q. And does he attend to the letter-writing or to those who cannot write?

A. Yes, sir; if a man cannot write, he calls another convict out who can.

BY THE WARDEN—If I was going to put a man in the dark cell, I would hang him up so high he could not stand it long. If a man was in the dark cell and shouted, I would not have him keep the others awake a minute. I would take him out and flog him until he stopped. I would say to him, "You can stop this punishment whenever you like." I will tell you the trouble with your system, if I am allowed to criticize it. You do not give your officers power enough; you must give a man power if he is to succeed, and then hold him responsible for his power. Let any man make a request for property, a certificate is sent in and I sign it without question; but mark, you know, he must be sure and be right. He must never say to me, "Why, you approved of that request;" he must be able to say that he did need that property. I give him power and hold him responsible; it is a result I require of him. At the end of a month I see what he has done, and how much he has left; and it has cost me so much to feed those men during that month. I say, "How is it? It has cost us more this month than last;" and then I will see that flour was that much higher. Nobody in the prison can succeed without they have power. The guard must feel that the warden has power to oust him at once unless he does his part vigorously. There is no warden can furnish energy for the whole business; he has got to have men that have energy.

Q. In the event of guards or keepers caballing together in order to bring you into trouble or to oust the warden?

A. That is a collision I never heard of.

Q. Would it arise?

A. It would not be apt to; they would not show their flag more than once.

#### Re SUPPLIES.

Q. How do you get your supplies?

A. I buy them in the open market. We make yearly contracts for meat and a contract for flour—the Board do. That is determined by the price of wheat; it is scheduled. The price of flour does not fluctuate until the wheat changes 5 cents, and then that difference is taken off or added. Our contract for beef is 6½ cents.

Q. When a prisoner comes in, how do you allot the work and determine where he is to be put?

A. The contractors have precedence according to date.

Q. I mean as to the fitness of the convict?

A. According to the date, you can tell exactly who is entitled to him. Sometimes a particular contract will have all the men they want, and perhaps a man has served in the prison before at a certain kind of work, and by mutual arrangement he would be put at the same work again.

Q. Is there any examination as to the man's fitness to work?

A. Yes, sir, the physician examines every man, strips him, and examines him when he comes in.

Q. Before he is put to work?

A. Yes, sir; and if there is anything the matter with the man at all, he gives me a report in writing to put on file.

Q. And then you assign him his work afterwards?

A. Yes, sir.

We admit visitors to the prison every day in the week, except Sundays; we charge 25 cents admission; the fund goes to the library.

Q. Do the prisoners have many complaints against the guards?

A. Oh, yes; they will combine against the guards or keepers; the whole shop will do that.

Q. When you come to enquire, do you usually find that the guard is a man of discretion?

A. Generally a weak man, but at the same time I would sustain him to the bitter end. I would read the Riot Act to them, then it would all disappear.

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INTERVIEW BETWEEN THE COMMISSIONERS AND ROBERT  
McCLAUGHRY, OF THE ILLINOIS STATE PENITENTIARY, JOLIET,  
ILL., 2ND SEPTEMBER, 1885.

Q. What is the name of your institution?

A. The Illinois State Penitentiary.

Q. How long have you been Warden?

A. I have been Warden since 1st August, 1874.

Q. Had you previous experience?

A. Yes, sir.

Q. You were in the army?

A. Yes, sir, during the rebellion. After I came out of the army in '65 I was clerk of the court in my native county for four years, that is, up to '69, and from that, up to '74, I was engaged in working extensive quarries and carrying on public works and such things; had control of from 100 to 300 men.

Q. This is a State prison?

A. Yes, sir.

Q. From what Courts are the prisoners sentenced?

A. Sentenced from the Circuit Courts, the Criminal Courts. We have in the cities special courts that we call Criminal Courts. In the country the Circuit Courts were the courts in which the Circuit Judges preside; have cognizance of criminal offences as well as a civil docket.

Q. When was the prison established?

A. This prison was originally established at Alton, in this State, as far back, I think, as 1825 or '30. This prison was commenced in 1858, and the the last of the prisoners were removed from Alton in 1861 or '62.

Q. How many prisoners can the prison accommodate?

A. We have had as high as 1,900 here; that is the most we have ever had in the prison; we have, I think, at present 1,550; it varies every day.

Q. For what period are they sentenced?

A. Well, all periods, from year to life.

Q. What are the industries carried on?

A. We have stone-cutting, marble-cutting, boot and shoemaking, cooperage, granite and monumental work, knitting, drawing wire, manufacturing barbed wire fence, and harness-making.

Q. Are these industries carried on by the State, or under contract?

A. Under contract.

Q. The prison receives so much per day?

A. Yes, sir.

Q. Is the prison self-sustaining?

A. Yes, sir; it is now.

Q. Under what State supervision, or is it a Board?

A. Under the supervision of three commissioners, known as the Commissioners of the State Penitentiary, appointed by the Governor and approved by the Senate. They are appointed for six years, one going out every two years. The commissioners appoint the warden and establish the general rules of government for the prison. The warden appoints the deputy, assistant deputy, and all the subordinate officers. The deputy-warden, clerk and steward, are appointed by the warden, subject to the confirmation of the Board. All the other officers are appointed by the warden absolutely.

Q. And has he power of removal?

A. The warden has the power of removal of any officer underneath him. He gives a bond, I should say. The warden is a fiscal agent of the Penitentiary, as well as the disciplinary manager, and he gives a bond of \$5,000 for the proper performance of his duty.

Q. You have already said that the Board of Inspectors framed the by-laws?

A. Yes, sir.

Q. Do the by-laws take effect before they are approved by the Governor, or have they to be approved by the Governor?

A. My recollection is that they were originally approved by the Governor. The fact is, that the Board of Commissioners have not framed any by-laws here for fifteen years.

Q. Can you give us a copy of the by-laws?

A. I do not know whether we have a copy at hand or not; I think we have at the house.

Q. Is that the power which they assume in connection with their position, or is it specially given to them by Statute?

A. Specially given to them by Statute, to frame the general regulations under which the prison is governed.

Q. Have you a prison surgeon?

A. Yes, sir.

Q. Who appoints him?

A. The Board of Commissioners.

Q. Does he make daily visits?

A. Yes, sir.

Q. Does he see all prisoners when they enter the prison?

A. No, sir; he does not see all of them. If any prisoner enters the prison who is in any way out of sorts and not in complete health, he is referred to the doctor for his opinion as to what he is able to do, and where he had better work. He does not see every prisoner when they come in.

Q. Who sees them?

A. The assistant surgeon.

Q. Of course that is the same thing?

A. The assistant surgeon, or hospital steward, sees every prisoner and vaccinates him.

Q. Has the surgeon a right to exempt from labor upon a report of the physical condition of a prisoner?

A. Yes, sir.

Q. When he sees a man he may exempt him from duty?

A. Yes, sir.

Q. Does he make a report to you first?

A. Yes, sir.

Q. And you give the order for exemption?

A. Yes; he reports that in his opinion the man is unfit for labor.

Q. Do you have much, of what we call in Canada, malingering upon the part of prisoners?

A. We have considerable—in so large a body of men we have considerable. I have noted that in all bodies of men there is about the same amount—take it among soldiers or among prisoners.

Q. What officers would discover that?

A. We all take a hand in that. The physician, of course, is considered the expert, and his decision is final; but the assistant deputy now makes the rounds three, or four, or five times a day; I am around more or less. If the assistant deputy found a man in the shop, for instance, and he thinks that man is playing off, as the boys call it, he returns that fellow to the deputy or myself and we all observe him. We are all of us careful to observe him and call the doctor's attention to him before we decide on that man's case fully, and when we do decide that he is malingering, then it is a question between him and us of endurance.



Q. They do report themselves sick in the morning?

A. Yes, sir.

Q. When they report themselves sick in the morning, do you put them to work or do you waive your opinion until the doctor sees them?

A. Waive until the doctor sees them. If they report themselves sick in the morning they are sent at once to the hospital; they get the benefit of that report.

Q. Does the doctor come at a stated hour?

A. Yes, sir, 7 o'clock in the morning.

Q. Have you a chaplain?

A. Yes, sir.

Q. What denomination?

A. The present chaplain is a Methodist.

Q. Have you also a Catholic chaplain?

A. Yes, sir; he is in the pay of the State, but he serves here the first Sabbath of each month exclusively, that is, exclusively devoted to the Catholic service; and then the third Sabbath of each month there is Mass after the regular service in the morning.

Q. Then do all the prisoners attend the respective services?

A. No, that is voluntary.

Q. They need not attend?

A. Not unless they like. If they remain in their cells and keep quiet, they are privileged to do so.

#### *Re* PUNISHMENTS.

Q. Is the punishment of prisoners in regard to the solitary cell authorized by statute?

A. Yes, sir.

Q. Are there any punishments prohibited by statute?

A. Flogging is prohibited.

Q. Then are the punishments and deprivations determined by by-law or regulation?

A. No, sir; these deprivations of privileges are just our own.

Q. Is that left to the discretion of the warden?

A. Yes, sir. Our privilege tickets are important to every man that comes in. He has one permitting visitors once in eight weeks. A ticket permitting him to write once in 5 weeks; a ticket permitting him to receive a ration of tobacco every Sunday morning. The rules having been first thoroughly explained, the first time a man is reported by his keeper he is taken from the shop, brought up here, and talked to by the deputy or myself to see whether he understands the rules, to see whether he is stupid of intellect, and we reprimand him, instruct him thoroughly again, and explain to him if he comes up again after this second explanation he will be dealt with more severely. The second time we would take away one or two of these privileges, and say to him, "Now, you are getting nearer the solitary; you must look out." The third time he is reported he goes to the solitary cell, and the length of time he remains there depends upon the character of the offence and the character of the man, and the thoroughness with which we think he understands the position. Sometimes we take him there and keep him overnight, and

that will be sufficient ; he will be alarmed, and the next morning we will see that man is thoroughly under control. He loses a day's good time the first time he is brought here ; four days for the second, eight for the third, and sixteen for each succeeding offence, and that is all explained to him. Then we let him off with a slight punishment ; first, perhaps, with one or two days on bread and water in the solitary cell, and then, if he proves incorrigible, take him to the cell and during the working hours he is handcuffed to the door, that is, during the time he ought to be at work. At noon he is let down to get his bread and water ; he gets about 6 oz. of bread and a quart of water in twenty-four hours, and at night he sleeps on the planks. The steam coil keeps the cell warm in winter, but he has only the plank to sleep on, and in the morning he goes to his daily toil, handcuffed to the door.

Q. Does he know when he goes in how long you are going to keep him ?

A. No, sir.

Q. It is an indefinite sentence ?

A. Yes, sir.

Q. At your option ?

A. Yes, sir.

Q. Judging of the prisoner ?

A. Yes, sir ; everything we can learn concerning him in order to make up the decision.

Q. Do you sometimes let him off ?

A. I cannot let him off, if I have explained to the man thoroughly and he understands the rules. I must punish him when reported, unless there are strong mitigating circumstances. We have men in here who are first-rate men, except that they have ungovernable tempers ; sometimes a man's temper will get the better of him, and he will address a little insolence to his foreman or keeper, and he may be in other respects so good a man and do his work so well, and be such an exemplary person that it will not affect the discipline of the prison to let him off—to just forgive him and say, "You have learned a lesson ; I do not want to see you here again ; I will forgive you this time. Go back to your work." He will feel bad, and sometimes the best way to deal with him is to let him go and say "If you do not learn this lesson after I have done this much for you ; if you do not do something for yourself, the next time you come up, I will punish you for this, too."

Q. What do you mean by saying you let him off his punishment if he expresses contrition for the offence committed ?

A. He may purge the penalty with these hours in the solitary cell. For example, a man goes in the solitary cell in the morning and I go to see him the next morning, and he gives evidence that he is thoroughly broken down, and is not going to be guilty of the offence again—is going to make an earnest effort to behave himself—I let him off as quickly as possible, unless the offence has been one that that, for the effect on the shop, you have to punish him. You have to judge of that. Frequently a case will occur of this kind. Men are sent to us for manslaughter—the victim of crime committed under the heat of passion, or under the influence of whisky. A man will boil over perhaps at something ; sometimes he has reason to from the conduct of an aggravating guard. A guard can get insolence out of a man if he wishes. I have far more trouble regulating the guards than the prisoners. Get a man who has sense enough and patience enough to view a man as fallen humanity, and deal with him as men ought to deal with their fallen man. When a guard reports a man, I must sustain the discipline of the prison shop, yet, perhaps I can do that in this way : a man comes to me ; I say, "I am very sorry to see you reported.



I just counted on you as one of the men who never would be reported in this prison ; have been here so long, have made your record good so far ; you disappoint me very much. I expected to be able to do something for you in the way of putting you to the front, or advancing you to some position of trust." The fellow will break all to pieces and cry like a child, and he will be earnest and anxious to know how he can re-instate himself. It would be a crime to punish such a man. I talk to him fairly, and when I think I have got him just where I want him, I say, "Go back to your shop, and let me see for the next six months there is no report against you ; if you can reclaim your standing I will be glad." "Everytime I will go through that shop he will look wistfully at me and earnestly. Sometimes I will say to him, "You are doing first-rate ; you are getting right back to where you fell from," and he will trudge away like a good fellow.

Q. You have no dark cell ?

A. No, sir.

Q. What do you call those cells ?

A. The solitary cell.

Q. What is the size of it ?

A. About 16 feet long, by about 7 feet wide, and about 12 feet high, heated with a steam coil, and there is a window 10 feet from the floor. It is well ventilated.

How long have you sometimes to keep them in there, approximately ?

A. The longest I have kept a man in is 30 days. I kept a Scotchman in there 30 days. The circumstances of his case were these :—He was a trustworthy man ; he had charge of the rooms of the house you looked through ; he had been trusted there with the care of things, and he gave his verbal pledge he would be a worthy man. He was a party to the theft of a pair of bracelets belonging to a young girl who was our guest. I happened to find out exactly his part in it, but he didn't know that I knew. I knew that he had taken the bracelets and had given them to another fellow to send out. I got right on to it, as the boys say, at once, and followed them so closely that he returned the bracelets to their place in the room, but I knew that he had taken them, and said to him, "Now, I know all about those bracelets ; whenever you tell me the part you took in this affair, I will let you out of the solitary cell, and until you tell me that, you will have to stay there." He had about three months to serve. He says, "As sure as I stand under my Maker, I do not know a word about them." I says, "Now, you are adding perjury to theft ; go right into that cell, and whenever you get ready to tell me all about it, I will let you out." He stuck to it for 30 days. After 30 days he gave in, and he said he believed I would keep him there the balance of his term. I told him I would, and then he told me all about it. The longest I ever kept any other man in was 15 days.

Q. What are the terrors connected with the room ?

A. It is the solitude. It is forcing a man to commune with himself ; it is the worst company an ordinary criminal wants—the separation from others and the fact that he is reflecting that each day adds 16 days to his loss of good time.

Q. How often is he visited ?

A. Every day by the deputy warden, physician, and myself.

Q. Does the food have any effect upon his health ?

A. It reduces him physically ; it does not make him sick, but weakens him.

Q. Wherein does this solitary cell differ from the Philadelphia system, where they are continually in solitary confinement ?

A. The advantage over the Philadelphia system is, that the man there has nothing to look forward to but solitary confinement, and if there is any tendency to insanity or any tendency to depression of spirits, it makes him more liable to it.

Q. But the Philadelphia system is a continuation of this?

A. Yes, sir.

Q. He is also getting disciplinary punishment?

A. Yes, sir.

Q. The deprivation that you give is the taking away the ticket which entitles them to certain privileges. This is the last recourse?

A. Yes, sir.

Q. Do you ever inflict the lash?

A. No, sir; this is the most severe punishment we have.

Q. And you do not require the lash?

A. No, sir; it is forbidden by law. When I first came here there were bull rings in the wall. If there was any tendency to heart trouble or paralysis; it is a kind of torture I became perfectly hostile to in the army; I had some of my men tied up by inhuman officers.

Q. What do your solitary punishments average?

A. They average about 5 a day at 1,500.

Q. Are you opposed to the lash?

A. I have never tried it.

Q. Do you find this sufficiently effective?

A. Yes, sir.

Q. As a matter of fact, from your statement, you depend more upon the encouragement of good conduct by the remission; you accomplish it in that way?

A. We depend on keeping a large proportion of these prisoners here in favor of good order and industry by encouragement and getting along cheerfully. We have a sentiment of those bodies politic in favor of good order, and the ones that are getting punished are the ones looked upon with disfavor by their fellows.

Q. What would you do with a prisoner for striking a guard?

A. Put him in the solitary cell.

Q. You do nothing more than that?

A. Unless he inflicts some permanent injury, and then he is taken out and tried.

Q. What is the punishment for escape?

A. There is no punishment, except that he shall wear a ball and chain at work; the ball will weigh about 50 pounds.

Q. Do you alone allocate these punishments to prisoners, or is there any other officer who is allowed to perform that duty?

A. I may say I do that alone; my deputy is authorized to punish these men under my supervision. He understands thoroughly my ideas in relation to it, and all his punishments are reported to me as soon as they are commenced, and I have an eye over it during the period of their infliction, and abbreviate them, if I desire, or change them. I make any change I wish, so that I am responsible for all the punishments.

Q. Before you punish a prisoner, do you make any enquiry yourself into the nature of the offence?

A. I do, or my deputy does it in my absence.

Q. Then do you get written reports from the party making the complaint?

A. Yes, sir; then we have those written reports substantiated by his verbal explanation in the presence of the prisoner.

Q. The report is substantiated by the complainant in the presence of the person who is complained of?

A. Yes, sir, and the prisoner has an opportunity to make any explanation he may wish; he is heard; it is a regular little court.

Q. Do you take the word of prisoners in evidence in that kind?

A. We do, as far as we think it is reliable. We take the word of some prisoners implicitly with regard to themselves or with regard to other prisoners. Then there are others whom we do not know so well whose word we would not take. If a question arises as between a prisoner and the keeper—a question of veracity—we sustain the keeper.

Q. As a matter of fact, is the prisoner invariably brought before you, before you mete out the punishment?

A. Yes, sir; he is either brought before me or the deputy; he is never punished without being heard.

Q. And the complaint is made in writing?

A. The complaint is first made in writing, the report, and then the keeper comes up. For instance, a man is reported by his foreman or instructor, and that instructor comes up and explains wherein he did bad work; the man has his explanation, and the foreman, in his presence, can explain how it was done.

Q. Is a record kept of all the punishments and deprivations you mete out to prisoners?

A. Every one.

Q. Is it charged up against that prisoner—shown in their individual record?

A. Yes, sir.

Q. Is that examination by the Board of Commissioners, or is it open to their inspection?

A. Yes, sir; open to their inspection; they examine it whenever they feel like it.

Q. Have they any right to intervene in the punishments you award?

A. They would not have any right, except the right a prisoner has to appeal from my punishment. If I punish a prisoner he has a right to appeal to the Board and complain of me for having punished him unjustly, and the Board will take that case up and examine it. The prisoner has a right to come before them, and they pass upon the case, and suppose the Board sustain my punishment, then the prisoner has the right to appeal to the Governor if the Governor wished to hear it.

Q. Personally?

A. To send his written statement to the Governor. We are bound to send it.

Q. You state that there is an appeal from your award, in respect of punishments, to the Board of Commissioners, and an appeal from them to the Governor. Would you, from your experience, recommend the adoption of this mode of procedure?

A. It has worked well here, and I think it can be safely recommended.

Q. Is it much availed of in your institution, and what are the results?

A. It is very rare that a case has gone to the Governor. Appeals are frequently made to the Commissioners, but in every case, as yet, the action of the warden has been sustained.

Q. But do you require any authority from the Board to inflict the solitary punishment?

A. No, sir, except a general authority that the Statute gives me.

Q. If the prisoner refuses to work, what course would you pursue for the first refusal?

A. For a first time, I would enquire carefully into the facts to see if he understands thoroughly the character of the work he has to do. If he says he is willing to do it, he is let off with a reprimand, and cautioned very carefully about the future; and if he would still refuse, there would further arise the question of the solitary. It would not be like a man who frequently violates some of the rules of the shop. If a man persistently refuses to work, we say, "If you do not want to work in the shop, we have another place over here where we can accommodate you."

Q. What, in your opinion would be the result of sentencing to a definite period in the solitary, in place of an indefinite period.

A. I think it would lose, in a measure, its effect.

Q. You think indefiniteness is better?

A. Yes; I think if you keep a man on the tenter-hooks of anxiety, he is more likely to come to terms quicker than if you state six days. He would nerve himself for the six days, but if he is there from day to day and does not know but that he will have to stay a month, he is more anxious to make his peace and get out.

#### REWARDS.

Have you a system of rewards for good conduct?

A. Nothing except the remission of sentence.

Q. How much can a man earn by good conduct for five years?

A. A year and three months.

Q. Would you recommend that remission system to be applied to prisoners who are in for, say a year, not in your prison, but in any other prison, would you recommend it to be adopted in all prisons?

A. Yes, I would.

Q. You think it would be a great incentive to good conduct?

A. I think it would.

Q. Do you give the prisoners any interest in the result of prison labor?

A. No, sir.



Q. Do you give them tobacco?

A. Yes, sir.

Q. Do you give money on discharge?

A. \$10 in money and pay their fare to their place of conviction.

Q. Do you give them clothes?

A. Certain clothes—a new suit.

DIETARY.—Q. Have you a fixed scale of dietary?

A. No, sir, not fixed; I can give you our general dietary.

Q. Do you give them any amount of bread that they may require?

A. Yes, sir, they take their own rations.

The oven we use for baking is made by A. J. Fish, manufacturer of revolving and reel ovens, Chicago. A single oven costs, put up, about \$1,500.

LIBRARY.—A list of our books is put in each cell.

BATHING.—Q. What is your system of bathing prisoners, and what facilities have you?

A. We have a bath-room containing 60 tubs, arranged with hot and cold water. Prisoners are marched in gangs from the shops and bathed under the supervision of a keeper. They are required to bathe at least once a week.

INDETERMINATE SENTENCES.—Q. What are your views in regard to indeterminate sentences? Do you think that the system could be advantageously applied to the class of prisoners who are now sentenced for short periods—namely, from three months to two years?

A. I think that each prisoner should be sent for the maximum term which the law provides for the offence for which he is convicted; that he ought to be compelled to serve the minimum term provided for said offence, and discharged thereafter whenever competent authority shall decide that he is fit to return to society. I would send him out first on parole, and require him to report for six or twelve months, during which time he should be liable to arrest upon the process of the prison for violating the conditions of his parole. This system, carried out by conscientious officials, would lead to the system of sending criminals to prison, as we send insane persons to an asylum, to be discharged when cured. I enclose a bill which came near passing last session upon that subject.

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INTERVIEW BETWEEN THE COMMISSIONERS AND ISAAC G. PEETREY,  
WARDEN OF THE OHIO PENITENTIARY, AT COLUMBUS, O., SEP-  
TEMBER 4TH, 1885.

Q. How long have you been Warden in the prison?

A. Since April 15, 1885.

Q. What is the exact name of the prison?

A. The Ohio Penitentiary.

Q. Does it receive prisoners from all portions of the State of Ohio?

A. Yes, sir.



Q. When was the prison established?

A. In 1821.

Q. How many prisoners does it hold?

A. We have accommodations for 1,630.

Q. How many prisoners have you now in custody?

A. 1,540 last night; 27 of them are females.

Q. What courts sentence prisoners to this penitentiary?

A. The State Courts and United States Courts.

Q. For what periods?

A. From one year to life.

Q. What industries are carried on?

A. We have twenty-one different industries. There are some industries that are not mentioned in our report. We manufacture harness, hardware, agricultural implements, wheel and bent works, tools, including planes, chisels, mallets, bed-screws, etc., barrels, chairs, bolts, stoves, hollow-ware, baby carriage factory, or toy factory, as we call it, cigars, brooms, harness and woollen factory. That is about all I recollect at present.

Q. Are these industries carried on by the State or by contractors?

A. A portion of them by contractors and a portion of them State account, and a portion on the piece price plan.

Q. What prices do you get, the maximum and minimum?

A. For infirm labor we get forty-two to fifty cents per day; for able-bodied, seventy to eighty-five cents per day.

Q. Is the prison self-sustaining?

A. It was until the change from contract to the system of State account plan, under which we ran for one year, having 600 idle men that we had no capital to employ.

Q. Will you give us the reports, shewing us what the results were during last year?

A. Yes, sir. (*See Report*).

Q. What board or body of men have supervision over the affairs of the prison?

A. A board of managers, consisting of five, called The Board of Managers, appointed by the Governor and approved by our State Senate.

Q. For what period are they appointed?

A. The appointment under the law was for one, two, three, four and five years, one term expiring each year, and thereafter the appointment was made for five years.

Q. Who frames the by-laws and regulations of the prison?

A. The Board of Managers.

Q. And are they appointed by the Governor?

A. Yes, sir.

Q. And they do not take effect until that is done?

A. Not until that is done.

Q. Can you give us a copy of the regulations.

A. Yes, sir. (*See copy presented*).

#### PUNISHMENTS.

Q. Is the system of punishments authorized by Statute ?

A. No, sir.

Q. Is it defined by law ?

A. No, sir.

Q. Do you, in addition to punishment, deprive prisoners of stated privileges ?

A. Yes, sir.

Q. Will you kindly state what your respective punishments are, and deprivations ?

A. Well, for talking, we deprive them of their tobacco or their writing permit ; for a repetition of the offence, we punish them by hand-cuffing them to a ring or a sliding-board ; it is a punishment adopted by Warden Brush, of Sing-Sing.

Q. Is it called the sliding-board ?

A. Yes, sir.

Q. Is that the most severe ?

A. That is the severest for talking, or such offence ?

Q. Then, for those who will not work—who refuse to work ?

A. One of our best punishments is to take them right to the work-shop, have a little box made just large enough for them to stand on, about two feet high, and put them right up there at their bench, and feed them on bread and water.

Q. In view of the whole shop ?

A. Yes, sir.

Q. You find that to be an effective punishment ?

A. We find it to be very effective. We sometimes find a man who refuses to stand there. In that event we take him to our punishment room and sometimes put him on the slide, and sometimes we turn the hose on him.

Q. That is in the case of very refractory prisoners ?

A. Very refractory.

Q. Do you ever resort to the lash ?

A. No, sir.

Q. Is it prohibited by law ?

A. No, sir.

Q. Do you use the "paddle ?"

A. Well, we have a paddle, and probably once in a year a man will get one or two

back.

Q. Do you ever lock them up during the day in their ordinary cells ?

A. Yes, sir.

Q. For what offences?

A. Sometimes for refusing to work, or misdemeanours, such as we have in the Institution.

Q. What is the food on such occasions?

A. Bread and water.

Q. Do you lock them up for a definite time, or indefinite?

A. Indefinite.

Q. How long does it generally last?

A. Not to exceed three days.

Q. Is he taken out upon an expression of contrition?

A. Yes, sir.

Q. Supposing he does not express contrition, what do you do?

A. I have not had a case of the kind.

Q. What offices of the prison are charged with carrying out the punishments?

A. My deputy-warden.

Q. Do you order every punishment?

A. Yes, sir.

Q. Is it ordered by anyone but yourself?

A. No, sir.

Q. Has the deputy-warden the right?

A. Only in my absence.

Q. Do you make enquiry in every case before awarding punishment?

A. No, sir.

Q. Just explain briefly what is the plan you adopt in that way. Do you get reports in writing?

A. Yes, sir.

Q. Explain briefly what it is?

A. My guard makes a report to me writing, stating the nature of the infraction of the rule. If the man has been reported to me three or four or five times within the month or six weeks by the guard, I then make a personal investigation of the matter in the shop for fear that probably my guard is a little to blame as well as the prisoner, and frequently the prisoner will send me a note in the evening. They all have the privilege, at any time when I am going through the work-shops, of addressing me or sending me a note. They will say, "I was reported to day for so and so," and they make a statement in regard to it. If their story is plausible, before the punishment is ordered in the morning I investigate it further, and occasionally I find that probably the guard has misunderstood the intention of the man, and no punishment is inflicted. We do not punish the same day?

Q. Why do you hold it over ?

A. We hold it over that the guard may have time to consider and satisfy himself fully that it was done intentionally.

Q. And have you too make enquiry, too ?

A. Yes, sir ; also for me to make enquiry.

Q. Does he go on with his work pending the decision ?

A. Yes, sir ; goes right along with his work.

Q. Do you find that to be a good plan ?

A. I do, sir.

Q. If it were promptly meted out, do you not think it would accomplish the object better ?

A. If the offence is very aggravated then it would be immediate. A man would send me one of the pink reports. We print upon white, upon yellow, upon chocolate, and upon pink. The different colours are used according to the grade of the offence. If it is necessary to use the most aggravated report, he sends it in immediately in pink by a shop runner.

Q. Do you find, as a general thing, the guards use proper discretion in reporting ?

A. Yes, sir.

Q. Do you take the prisoner's word as against the guard ?

A. No, sir ; not unless it is substantiated by the foreman or instructor.

Q. Or some other man who witnesses the act ?

A. Yes, sir.

Q. Have you a dark cell or cells ?

A. No, sir ; not one in the Institution.

Q. Are you opposed to that system of punishment ?

A. I am, sir. We think that it was used here in former years without any good results.

Q. Was it the belief that it affected the prisoner mentally ?

A. Yes, sir.

Q. Was there any investigation into it ?

A. There was an investigation in the winter of '76 and '77.

Q. Was it published ?

A. I am not positive. I will ascertain if it is on file, and if so will send you a copy.

Q. Then where you confine to the ordinary cell you said you gave them bread and water, and that it depends upon the man himself when he comes out ?

A. Yes, sir.

Q. Any particular quantity of bread ?

A. A square ration of bread and a bowl of water.

Q. Is the prisoner invariably brought before you, so that you may make an inquiry of him of the circumstances connected with the offence?

A. No, sir; he is very seldom brought before me.

Q. Do you keep a record of every punishment?

A. Yes, sir.

Q. Is it charged against the man?

A. Yes, sir.

Q. Do you make a report of these punishments to any higher authority?

A. To the Board of Managers.

Q. Do they examine it always?

A. Not always.

Q. Every month?

A. They ought to examine it every month; they casually glance it over.

Q. Do you require authority from any superior officer or Board of Managers, or otherwise, before you inflict a severe punishment?

A. No, sir.

Q. The whole discretion is left in your hands?

A. Yes, sir.

Q. And no one can question your authority?

A. No, sir, no one.

Q. In regard to putting them on bread and water, do you think it has any bad effect upon the system?

A. No, sir.

Q. Does your doctor ever report that?

A. The doctor has never reported against it.

Q. From your experience do you consider your system of punishment that you have just detailed to us to be an effective system?

A. Yes, sir.

Q. You would not wish to change it?

A. No, sir.

Q. Even if it was left in your own hands, from the experience you have had, you are perfectly satisfied it accomplishes the object as well as you can devise?

A. Yes, sir.

#### REWARDS.

Q. Have you a system of rewards for good conduct?

A. Yes, sir.

Q. Can a prisoner earn a remission of a portion of his sentence by good conduct?

A. Yes, sir.



Q. Can a prisoner earn a remission of a portion of his sentence by good conduct?

A. Yes, sir.

Q. What period can be earned off a sentence?

A. A one-year man can gain five days on a month. That would entitle him to fifty days in the year. He would serve ten months and ten days. A two years' man can gain seven days in a month by good behaviour. A three' years man can gain nine days in a month. A four years man and upwards, except life prisoners, will receive ten days per month for good behaviour from the first.

Q. Do the judges in sentencing prisoners award longer periods of sentence owing to this system of remission?

A. No, sir, I think not.

Q. Would you recommend the adoption of time system with all classes of prisoners even to those in for three months?

A. No, sir, I do not think I should.

Q. Why?

A. I think the Judges of the Police Court and those having aggravated cases that are not quite penitentiary offences give them as little as they ought to have.

Q. Do you think it would be an incentive to good conduct in the prison to do it?

A. I believe it would.

Q. You think it would have that effect?

A. I believe it would.

Q. But, as I understand, in your opinion it would not be a desirable thing to make the period of punishment any less in short dates?

A. No, sir.

Q. It would be easier for the warden, I suppose?

A. Yes, sir.

Q. What is your observation of the effect of this system of remission; is it good?

A. It is good, it is beneficial, gives them an incentive from the very first day they enter the prison to observe every rule of the institution.

Q. Do you believe you could govern the prison as effectively as you do without that system?

A. I do not believe I could.

Q. Do you give the prisoners a pecuniary interest in the results of the prison labor?

A. Under the law prisoners are entitled to a percentage of their earnings not exceeding 20 per cent. Our Board of Managers have established 10 per cent. of their earnings as a reward.

Q. And is that carried out?

A. Yes, sir.

Q. In the case of a bad conduct man, what follows in regard to the payment of that money.

A. Under the law we have authority to fine him a portion of his earnings.

Q. He gets it and loses it ?

A. Yes, sir.

Q. Do you find that system has a good effect ?

A. Yes, sir.

Q. Do they generally give their money to their families during incarceration ?

A. A large portion of it goes to their families.

Q. During their incarceration ?

A. Yes, sir.

Q. Do you recommend that system ?

A. Yes, sir.

Q. Do you give tobacco ?

A. Yes, sir, to chew only ; four ounces a week.

Q. Do you give them a new suit of clothes in addition to the money that they earn ?

A. Yes, sir.

Q. To both good and bad behaviour prisoners ?

A. Yes, sir.

Q. Do you send them to their homes as well ?

A. No, sir ; just discharge them at the door.

Q. Do you have many insane prisoners in the course of the year ?

A. No, sir.

Q. When you do have them, what course do you pursue ?

A. The law provides that I shall notify the physician of the Central Insane Asylum, and, with our physician, an examination is made as to his condition, and upon their report we act.

#### DIETARY.

Q. Have you a fixed scale of dietary ?

A. No, sir.

Q. Do you limit your prisoners to a certain quantity of food ?

A. Yes, sir.

Q. Do you limit every article of food, for instance, bread ?

A. No, we give him all the bread he wants ; that is the only thing he can ask for ; we put a ration of potatoes, a ration of cheese or butter or a ration of molasses before him with his bowl of coffee or tea. When he eats up his bread and wishes more he is furnished with it. If he drinks up his bowl of coffee it is filled with water. He can have all the bread he wants.

Q. Do you feed the prisoners in the cells or in an associated dining room?

A. In an associated dining room?

Q. Then the food is passed around, or rather the bread is passed around?

A. No, a ration is placed upon each man's plate.

Q. And he has a right to ask for more?

A. Yes, sir. If he holds up his hand to the guard and asks for more bread he gets it. If a man has more bread than he wants it will be given to some one who has not enough.

Q. Do you frequently have complaints from the prisoners as to the quality and quantity of food?

A. No, sir; I have had but one instance in a year and-a-half, the time I have had charge of the institution, where it was anything like a concert of action.

Q. What was that about?

A. That was about two weeks ago last Sunday, at chapel service. I had an unusual number of notes on my chair. Looking them over, one was that the meat was not good, did not have enough to eat, and so on. Looking at them I found they were all from one company. I had had considerable company that week, and had been in the dining-room every day, and the tables that those men sat at were the third and fourth table from where I stood, and I had an opportunity of observing their food. I knew it was good and substantial, and of sufficiently quantity. On inquiry, I found that one man was dissatisfied, and he had by some means, through the foreman of the shop, got consent to go around and talk with the others, and had incited them into complaining. The ring-leader did not send in any note. Every man that sent in a note I ordered on bread and water for two days. That, of course, brought out the ring-leader, and the ring-leader I put on bread and water for four days.

Q. Have you any trouble with feeding the whole of the prisoners in a large room?

A. No, sir.

Q. Would it be a punishment to a prisoner to make him go to his cell and eat his dinner?

A. No, sir; I do not think it would. If we were properly arranged here for it, I would recommend cell feeding.

Q. Why?

A. In order that the guards and officers might have an opportunity of eating their dinner. As it is, the guards go on duty and have to eat their breakfasts in the work-shop, and the same at dinner, no matter how dusty it is, they have got to sit down there before the prisoners and eat, and are continually glancing around.

Q. We find in some places they give half an hour to the prisoners to take their dinner, and then they are locked up in their cells, and the other half hour is given to the guards. The guards come in first?

A. We have been talking of that.

Q. You spoke of the plan of prisoners having a right to communicate to you by writing. Is that a good plan?

A. Yes, sir.

Q. Do they abuse it?

A. No, sir.

Q. Are the complaints that they make generally well founded?

A. They are.

Q. In your opinion it ought to be adopted?

A. It ought to be adopted in my opinion. The prisoner knows that he can go to the highest authority, and he knows if he comes to me with a frivolous complaint that I will punish him for it.

Q. Do you know whether that exists elsewhere?

A. I think Warden McClaughry, of the Illinois State Prison, adopts the same system.

#### APPOINTMENT OF OFFICERS.

Q. Who appoints the warden?

A. The Board of Managers.

Q. Is that approved of by the Governor?

A. No, sir.

Q. Then, does he appoint any other member of your staff?

A. No, sir; I appoint every one?

Q. Clerk?

A. Guards, steward, physician, and everyone.

Q. Have you a right to dismiss?

A. I have a right to suspend, and make my complaint to the Board of Managers for their approval.

Q. And have you a prison surgeon?

A. Yes, sir.

Q. Does he make a daily visit, or is he a resident officer?

A. No, sir; he makes a daily visit, but I have an assistant here day and night?

Q. His clinical assistant?

A. Yes, sir.

Q. Are the prisoners examined by the doctor when they come in?

A. Yes, sir.

Q. Is that invariably done by the doctor?

A. Yes, sir.

Q. Reported?

A. Yes, sir.

Q. And is their bodily condition examined into?

A. Yes, sir.

Q. Does the doctor have anything to do with you when you form your opinion as to the best place for a man to be put to work ; does the doctor's report influence in any way ?

A. Yes, sir.

Q. You find it a satisfactory way ?

A. Yes, sir ; the doctor's orders are superior to mine as to his employment. If the doctor says a man is unfit for a particular labor, that it is permanently injuring his health, I must change that man's work.

#### CHAPLAIN.

Q. Have you chaplains ?

A. No, sir.

Q. How are the religious services conducted ?

A. By a voluntary service.

Q. By what body of men ; Catholics ?

A. All denominations. We have a school-room where we have our night school ; it is fitted up for a Catholic chapel. They occupy that on Sunday mornings, and we have our other chapel where any minister of any denomination preaches, and where we frequently invite our Catholic priest to lecture before our entire population.

Q. Do Catholics attend the Protestant services ?

A. Yes, sir.

Q. Is that compulsory ?

A. No, sir.

Q. Is the attendance of any prisoner compulsory in regard to a service not his own ?

A. All prisoners, except Catholics.

Q. Is it compulsory for all Protestant denominations to attend the Protestant services ?

A. Yes, sir.

Q. But Catholics are not compelled or required to attend ?

A. No, sir ; they do so of their own accord. We issue all our orders, read our discharge list and offence list from table on Sunday mornings, and they all attend there from choice for the purpose of getting out of their cells.

#### BATHING.

Q. What is your system of bathing prisoners ?

A. One day each week they go to the bath-room, and we have separate bath-rooms for the men. We march a company in. We have 52 bath rooms, with a tap with hot and cold water in a little room. No door to it, so the guard can pass along and see what they are doing, but there is a certain privacy to it ; each prisoner goes in and gets into his bath tub.

Q. Is the water changed for every prisoner ?

A. Yes, sir.



## LIBRARY.

Q. Have you a library?

A. Yes, sir.

Q. How is it maintained?

A. Maintained by appropriations from the State.

Q. How do the prisoners read at night?

A. By gaslight in every cell, until 9 o'clock for second rate men, and 10 o'clock for first-rate men. The privilege of having a light is another of our awards.

Q. Do you consider your prison is governed by a rigid discipline or is it somewhat flexible?

A. Rigid discipline, with a view to the reformation of the prisoners. The discipline is maintained just as strict with a first rate man as a second rate man.

Q. Do you overlook any offence of any nature at all?

A. Not very often.

Q. What would be the effect of systematically overlooking small offences?

A. It would lead to bad results.

Q. Then you consider it your duty to take notice of everything, but you admonish first?

A. No, sir, only by depriving them of their writing permit, or their tobacco.

Our cells are  $3\frac{1}{2}$  by  $7\frac{1}{2}$  feet. Have direct ventilation. There are other cells  $5\frac{1}{2}$  by 7 by 9 high. They are the more modern ones. We have about 75 guards in the dining-room when the men are assembled. The bedding is changed once in two weeks, and the clothing once a week. We have an hospital separately located. We charge 25 cents admission to visitors to the prison.

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INTERVIEW BETWEEN THE COMMISSIONERS AND DEPUTY WARDEN,  
HUGH S. McKEAN, OF THE WESTERN PENITENTIARY OF PENNSYLVANIA,  
AT ALLEGHANY CITY, PENN., SEPT. 5TH, 1885.

Q. What is the exact name of the prison?

A. Western Penitentiary of Pennsylvania, located in Alleghany City. It is purely a State institution. Of course the State governs it and keeps up the extraordinary repairs. The assessment is made on the respective counties for all expenses over and above the maintenance of the prison. This assessment is made after deducting the revenue derived from prison labor. The State appropriates an amount not quite sufficient to pay the salaries of officials.

Q. But in all respects it is a State prison?

A. Yes, sir.

Q. When was the prison established?

A. The first prisoner was received in 1826, but it was commenced in 1818.

Q. When did you commence this new prison?

A. In 1878. When completed we expect its capacity to be 1,140. The present capacity is 640, but of course we can accommodate more. We have 100 cells in this

wing that are larger than the others, and we can double up. Our present population is 746. The warden's name is Edward S. Wright. He was appointed in February, '69. I was appointed deputy about the same time, but I was a regular officer in the prison before that for about five years. There is a workhouse at Claremont.

Q. Do the same judges sentence to Claremont as sentence to the State Penitentiary?

A. Yes, sir.

Q. Then they are sentenced by all the courts of the State?

A. Yes, sir. We have a few Federal prisoners.

Q. What periods are they sentenced for?

A. We seldom receive one here for less than a year, and then we have them as high as 25 years, and life.

Q. Have you what they call the indefinite sentence here, or are they all fixed periods?

A. All fixed.

Q. How many State penitentiaries have you in Pennsylvania?

A. Only two, one in Philadelphia, known as the Eastern Penitentiary; this is known as the Western.

Q. What do you call the method adopted in the Eastern Penitentiary?

A. Solitary confinement. They call it the separate system.

#### INDUSTRIES.

Q. What industries are carried on?

A. We have shoe making, cigar making, broom making, and iron work machinery.

Q. Are these industries carried on by the State or under contract?

A. Under contract.

Q. Is this prison self-sustaining?

A. That is all contained in our report. Last year there was a deficiency of \$28,697.88. *See Report.*)

Q. What do the contractors pay you for labor?

A. 50 cents, per day, per man, all around.

Q. Are they selected prisoners?

A. We select the men that are adapted for a particular work.

Q. The prisoners are allocated to the works they are best fitted for?

A. Yes, sir.

Q. Is there a Board of Managers?

A. Yes, sir.

Q. What is the name of it?

A. Known as the Board of Inspectors.

Q. Who appoints the Board ?

A. The Governor appoints two, and the district Judge of Alleghany County appoints the other three.

Q. For what period are they appointed ?

A. Two years each. They go out in rotation.

Q. There are some extra ones always in in that way ?

A. Yes, sir.

Q. Do they frame the rules and regulations ?

A. Yes, sir, they are based on Acts of Assembly, I believe.

Q. What are the duties of the Inspectors ?

A. They have the entire management and control of the prison.

Q. Who appoints the warden ?

A. The Board of Inspectors.

Q. Does the Board appoint any other officers ?

A. The Board appoints the warden, deputy warden, chaplain, clerk, physician, and matron.

Q. Have you females here too ?

A. Yes, sir, a few. The population I gave you includes 14 women.

Q. Does the warden appoint all the other employés ?

A. Yes, sir, he appoints all the other employés.

Q. Are his appointments required to be approved of by the Board ?

A. Yes, sir ; he submits the appointments to the Board. He has the appointing power subject to their approval.

Q. As a general thing are the warden's appointees approved of ?

A. Almost invariably.

Q. Has the warden the power to dismiss ?

A. Yes, sir, of all those he appoints.

Q. Does he suspend first ?

A. He can do either, dismiss summarily or suspend.

Q. What course do they generally pursue ?

A. For mere dereliction of duty it is suspension, for any flagrant violation it is prompt dismissal.

Q. Then do the Board consider his suspension ?

A. Yes.

With regard to the Board of Inspectors an Act was passed in the session of '78 authorizing the appointment of women for Prison Inspectors. At every meeting of the Board, which occurs once a month, the warden reports everything he does in the way of dismissing and suspending officers. He reports in writing all appointments and dismissals.

Q. Then his acts are supervised ?

A. Yes, sir, and he is also invariably sustained.

Q. Have you a copy of the by-laws and regulations ?

A. We have not in print. I think we have a copy framed in the cell-house.

Q. Are there any regulations defining the punishments made by the Board of Inspectors ?

A. The Inspectors have power to frame regulations for the government of the prison, including the punishment of prisoners. Under the statute of 1829 the Board of Inspectors are authorized to frame regulations for the government of the prison, including the punishment of prisoners. They have defined what the punishments are to be. (*See Statute of Pennsylvania, 1848, Consolidated by Dunlop, page 492.*)

Q. Do the Inspectors see prisoners when under confinement in the dark cell ?

A. Yes, sir, they often do ; that is a privilege they have. They also have a right to appeal to the Board of Inspectors in regard to punishments.

Q. Is there any appeal from the Board of Inspectors ?

A. No. The Inspectors are not salaried officers. They visit two or three times a week.

#### PUNISHMENTS.

Q. Is the punishment of prisoners regulated or authorized by statute ?

A. I believe it is ; there is a law in existence in this State yet, that never has been repealed, that you can use the cat.

Q. Will you be good enough to state what your punishments and deprivations are ?

A. We believe in moral suasion, reprimanding as long as we can ; then, if we find that will not bring the desired results we isolate them by putting them in semi-dark cells and cutting their rations down, giving them something like four or five ounces of bread a day and water until they submit and conform to the rules, and we leave it in the prisoner's hands to say when he has got enough, and then we take him out and try him again, even if we have to repeat it in a few days or weeks.

Q. By saying when he has got enough you mean when he has become amenable to the last ?

A. Yes, sir. We put him in the semi-dark cell, and there are very few instances that will not come to time and send for the deputy by the time they are in twenty-four hours, some cases really sooner than that. They will say, "I have had enough of this, I am ready to go back to work or anything required of me." We take him at his word and give him another trial ; that is just isolation in the semi-dark cell with short rations.

Q. In the case of very refractory prisoners, what do you do ?

A. The worst punishment we have is putting them in the semi-dark cell. There is a ring in the wall about as high as a man's breast ; we handcuff them to that and let them stand there ; that is the worst punishment we have, and we only keep him there during working hours.

Q. Is he taken down at night ?

A. Yes, sir, and put up the next morning if he is not ready to submit to the rules. We put him up when the men go to work and take him down again when the men quit work.



Q. When the warden sends a man to the semi-dark cell either with or without irons to be fastened to the ring or not, is he sent there for a definite period or an indefinite period?

A. An indefinite period; it is almost exclusively in the prisoner's own hands.

Q. Always for an indefinite period?

A. Yes, sir; we never say you are to go there for two or three days or five days; it is always for an indefinite period.

Q. When does that kind of punishment cease?

A. When the prisoner says he has enough of it, and makes fair promises he will do what is right. Of course there would be exceptions. Supposing a prisoner was to make an assault on an officer or something like that, we would not send him to the dark cell for five or ten days, but we would not take him out much under five or six days, no matter what he said. We must punish him for the assault on the officer. In the other case he is punishing himself. There might be other cases, such as an attempt to escape or an aggravated assault on a fellow-prisoner, where we would not let him fix a time of, say twenty-four hours, in which we would take him out.

Q. What punishment would you give for continued insubordination by refusing to work?

A. The semi-dark cell.

Q. And would you give that for an indefinite period?

A. Indefinite, and until we found that the indefinite period done him no good, then, perhaps, we would keep him three or four or five days on bread and water. In some cases we would put him up to the bull ring, also, if we found he was very refractory. These indefinite periods work this way: A man will say, "I do not want to work to-day, I will go then to the semi-dark cell and stay there twenty-four hours; it will not do me much hurt, and I will make fair promises to go back to work again." They may play that on us every week, and twenty-four hours, you know, is not very severe, but we get ahead of him when he says he is ready to go back to work after being in twenty-four hours by saying, "Yes, but you have been in here three or four times before; your word is not worth anything now," and we will give him, perhaps, a day or two longer.

Q. Do you ever inflict the lash?

A. Never; we have no corporal punishment at all; there is a law in existence authorising it, but it has become obsolete. I think it was discontinued in '65; there has not been a lash used since.

Q. You have been a prison officer for about fifteen years?

A. I was a regular officer in the prison, just an overseer, for about five years before '69.

Q. You have been nearly twenty years a prison officer?

A. Yes, sir.

Q. And have these indefinite periods of confinement always been in existence during your time?

A. No, sir, only since about '69—since Captain Wright was appointed warden.

Q. Do you think it is the best method?

A. It is the best for the majority, but of course it is not good for the confirmed criminals. I will have to modify that answer a little, because some of the confirmed



criminals really give us no more trouble than the incidentals. In the majority of cases it does well, except in the case of toughs, incorrigibles; it will not work in their case, and we have to use discretion in dealing with them.

Q. What is your system in respect to deprivation of privileges?

A. We give our men tobacco once a week, and we cut the tobacco off. When a man gets to the semi-dark cell he loses one week's tobacco, and we can deprive him of the library privilege, and deprive him of his correspondence for a period.

Q. Are these deprivations awarded for minor offences?

A. Not for minor offences.

Q. For instance, a prisoner is given to talking, what do you do?

A. We reprimand him. Such offences as talking, laughing in the ranks, or levity of any kind we mark against the commutation; we keep an account with each prisoner in regard to his good time.

Q. What other deprivations have you?

A. When we have them in the semi-dark cell we can deprive them of food.

Q. Do you deprive prisoners of library books?

A. Yes, sir. It is very seldom a man is deprived of the use of the library books, only when he mutilates the books. If he does that the chaplain has power to deprive him of books, and for a grave offence, such as fighting or assaulting an officer or fellow-prisoner, or something like that, we can deprive a prisoner of receiving visitors. We very seldom do that. Prisoners can receive a visit from a friend outside once every three months. We can also deprive them of their correspondence.

Q. I suppose you sometimes have notoriously lazy prisoners who will not work?

A. We have them, but we generally make all of them do something.

Q. Where a man refuses to work what is the method of punishment—where he positively refuses through pure "cussedness," if I may put it in that way?

A. We do find a few incorrigibles, and we have to lock them up in their cells and keep them there.

Q. How long do you keep them there?

A. Some of them will stay there indefinitely—for months sometimes.

Q. And what do you feed them on during confinement in a case of that kind?

A. Unfortunately we have made very little distinction between their food and the others; they are continuously locked up in the cells, but they get the usual prison rations.

Q. Do they consider that a punishment?

A. A great many of them do.

Q. Are there many who do not—lazy men?

A. Of course we have some that content themselves with being locked up for a year rather than work.

Q. Are they not rather weak minded or what you call cranks?

A. The majority of them are really what you might call cranks. You will find men in all prisons that are perfectly sane, but so lazy that they would sooner lie in their cells and stand punishment besides, rather than work.

Q. Supposing you were short of men, would you allow a man to stop that long in his cell?

A. I presume not without undergoing very severe punishment.

Q. Would you try bread and water?

A. Yes, that would be the severest we have, or this bull ring. We would try him first on low diet—bread and water—and if he hung out too long on that, four or five days, we would put him up to the bull ring during working hours; that will bring most of them, although you find some occasionally who are very incorrigible, and we have to lock them up.

Q. Is the warden the only officer who can inflict punishment?

A. The warden and deputy.

Q. Can the deputy do it during the presence of the warden in the institution?

A. Oh, yes, the deputy invariably reports all his punishments to the warden.

Q. Before awarding the punishment to the prisoner is the complaint investigated, inquired into by the warden or deputy?

A. Yes, sir, always. You never consign a man to the dark cell or to punishment just on the information or report of the officers; we inquire into the case always, every case.

Q. Is that done by yourself?

A. By myself or the warden.

Q. How are the complaints made to you, in writing or orally?

A. Orally.

Q. No written complaints?

A. Only from the shops.

Q. They are in writing from the shops?

A. Yes, sir, and they are always inquired into.

Q. Is the prisoner invariably brought before the warden or deputy warden?

A. Yes, sir.

Q. And is he confronted with the complainant?

A. Always.

Q. For instance, a man makes a complaint of a prisoner in the shop?

A. The guard of the shop to whom the complaint is handed, the written report, brings the prisoner before the warden or deputy; if the warden or deputy warden have any doubts about the matter, think that he has been unjustly reported, we go to the shop invariably, and get all the information we can.

Q. Do you take the word of prisoners?

A. Only where it can be corroborated by other testimony.

Q. And is he punished the day when the offence is committed or is it left over?

A. Well, if it is an affair that is reported from the shop shortly after he goes to work in the morning, a trivial offence, we pay no attention to it until noon, and in the

same way in the afternoon. We do that so as not to interrupt work or create an undue excitement in the shop by bringing a prisoner out of it.

Q. What is your experience as to the admitting or denying of the charges preferred?

A. The prisoners deny them oftener than they admit them. If a man positively refuses to work, of course we take him out of the shop at the time, or if he assaults a fellow-prisoner or anything like that. I do not believe in any punishments in the presence of other prisoners.

Q. What is the size of the semi-dark cell?

A. It is about 6 by 8, something like that. They are fairly ventilated.

Q. Is a record kept of every punishment and deprivation given to the prisoners?

A. Yes, sir.

Q. Is it charged against the prisoner.

A. Yes, sir.

Q. Is that record laid before the Inspector?

A. Every month when the commutation list comes up, they take up the monthly discharge list; a list produced that gives the time they would go out, allowing for all good time. The Inspectors take a talk where there is a record of all misconduct and misdemeanors, and they charge it up against the prisoner. If a man forfeits his commutation the Inspectors mark it against him. For instance, if a man should go out on the 14th, if he lost no time they would change it to, say, the 24th. We make out a corrected list and it is forwarded to the Governors for the orders for their release. (*See set of commutation papers presented to the Commissioners.*)

Q. From your experience, do you consider your system of punishments and deprivations as effective as any that could be devised?

A. I think so.

Q. I want to know whether, from your experience, you would change it if you had power?

A. No sir, I would not. I would not go back towards the dark ages at all.

#### REWARDS.

Q. Have you any system of rewards for good conduct, and can prisoners earn a remission of a portion of their sentence?

A. Yes. It is authorized by statute; regulated by statute.

Q. Your prisoners are for a year and upwards; would you recommend it to apply to short-date prisoners, say from three months up to two years?

A. I have not had experience with short-date prisoners. My own judgment would be that it should apply to them. If they behave themselves, I do not see why it should not apply to them.

Q. Would it be an incentive to good conduct to short-date prisoners as well as long-date?

A. I think so. I think it is in the direction of kind treatment, and I think there is nothing ahead of kind treatment.

Q. Has this remission of a portion of the sentence had a good effect in your prison ?

A. Undoubtedly.

Q. And has it been the means of inducing good conduct among the prisoners ?

A. Yes, sir.

Q. Do you give prisoners any money upon discharge ?

A. The State does. All prisoners living within 50 miles or under are allowed \$5.00 ; over 50 miles, \$10.00.

Q. Is their passage paid as well ?

A. No sir. That is expected to pay their passage home.

Q. Do they get a new suit of clothes ?

A. They get the same clothes going out that they bring in, if they are good. If the clothes are such that they cannot make a respectable appearance on the streets, the Institution provides a suit. We always try to turn a man out decently.

Q. Do you give any other reward besides the remission ?

A. We allow over-work as well.

Q. That is when the prisoner has performed his task ?

A. Yes. If he performs two tasks, he would get the price that the contractors pay the State for it. Prisoners are allowed for all overwork at the same rate the State receives from the contractors. Some of them make a good deal of money.

Q. Have these money rewards a good effect upon the prisoners ?

A. Most generally. Men of families, or even men that have mothers depending upon them, will send their earnings home. We have known many prisoners to do their families a great deal of good by the money they earn in the prison.

Q. How much did you pay out last year to prisoners ?

A. You will see it in the report.

MR. MILLIGAN.—I think there is no doubt about the question of over work ; it is a good thing. There is only one difficulty that arises : perhaps one man is not able to do as much as another and he feels it ; that is the only trouble that can possibly grow out of it.

Q. It will create a jealousy ?

A. No, sir ; not a jealousy. but it will sometimes create a feeling like this : a man will say, " Now I ought not to be made to work so hard because I am not so skilled as that man."

DEPUTY WARDEN MCKEAN resuming.—They will say sometimes that better work is given to one than another.

Q. Do you give tobacco to prisoners ?

A. Yes, sir.

Q. To chew ?

A. Chew or smoke. We allow them to smoke in the evening after supper in the cell.

Q.—Do you find that has a good effect ?

A. Yes, sir.

5 (C. P. I.)

Q. Makes the government of the prison easier?

A. Yes, sir.

#### DIETARY.

Q. Have you a fixed scale of dietary?

A. We have not; we make all the changes we possibly can from time to time, according to the seasons.

Q. Do you limit them to a certain quantity of bread, and a certain quantity of meat and potatoes?

A. We do, with regard to meat, but not as to bread. I believe meat is the only thing that is limited.

Q. Do the prisoners take their rations in their cells or in association?

A. They take them in their cells.

Q. Have you ever tried the associated principle here?

A. No, sir.

Q. Do you frequently have complaints from prisoners as to the quality and quantity of the food?

A. Oh, Yes; not as to quantity but as to quality. They often complain that the meat is bad.

Q. Are these complaints contagious?

A. I think they are all over the country. When a complaint is made by one man others will take it up.

Q. Do they sometimes shout and yell in their cells?

A. They do occasionally, although I must say as far as our men are concerned they behave themselves very well. They do sometimes let out a whoop. The men, in a prison constructed as this is, they can let out a yell or a whoop, and if the officer is not standing right at their door he cannot detect them. Another thing I have discovered in prisons with regard to diet, is this: take a man who you know could get whatever he wanted outside, he never complains in prisons no matter what he gets.

Q. It is those that live worse outside the prison that make the most complaints inside?

A. Yes, sir.

#### SURGEON.

Q. Have you a prison surgeon?

A. Yes, sir.

Q. Does he make a daily visit?

A. Yes, sir.

Q. Does he make an examination of every prisoner when they enter the prison?

A. Yes, sir; he examines every one on their arrival; if they come in after he has made his visit he sees them the next day.

Q. Does his opinion determine very largely what work the prisoner shall be put at?

A. Not in regard to the first selection of the man, but after he has been put to work, if he complains that he is not able to do that kind of work, then he is referred to the



doctor. There are three grades. Number one is a man in excellent health, physically and mentally, able to do anything; number two is a man that perhaps has a finger off or maimed in some way, or has a lung trouble or some chronic disease. number three is not worth very much

Q. Does the surgeon visit the prison at a fixed hour?

A. Generally in the forenoon about ten o'clock.

Q. It is his duty to examine the food?

A. It is, and he does it very often.

Q. Does he examine into the mental condition of prisoners? For instance, if a prisoner becomes insane, what do you do?

A. Many times the doctor, in making his first examination, will determine that a man is mentally right, he will make a report of his physical and mental condition, and developments afterwards are reported to the doctor.

Q. What are your arrangements for bathing prisoners?

A. We bathe them once a week, we have eighteen bath-tubs in a bath room; each man bathes separately.

Q. Have you a certain order for bathing all the prisoners?

A. No, sir; we just make out to give all of them a bath once a week. They bathe on different days.

Q. How often do you change their underclothing?

A. Once a week.

Q. How often is the bed changed?

A. I presume the straw is changed every six months.

Q. The bedding or blankets?

A. They are changed once a year, or washed. We give them sheets and change them once a week.

Q. Do you believe straw is the best?

A. I think so, where you have to have mattress at all.

Q. We have been advised to have canvass stretchers?

A. That would do very well if the cells were perfectly warm.

#### DISCIPLINE.

Q. Is your prison governed upon a rigid system of discipline, or is it somewhat flexible

MR. MILLIGAN. I think it is governed in not an inflexible way.

Q. Do you take notice of offences, no matter what they are?

BY THE DEPUTY-WARDEN, MR. MCKEAN. We do. If we discover a man talking or any levity about him, we reprimand him.

Q. That is rigid discipline?

A. Yes.

Q. Are reprimands entered ?

A. No, sir. Let me explain : If I was to see a man talking to another I would say, "John, now you must stop that talking." If I see the same man talking perhaps a few days afterwards I tell him, "Now you must stop that talking ; you will get marked if you do not." Then if I see him talking again I mark him.

Q. Supposing the report is by one of the guards, or would a guard report for talking ?

A. Oh, yes.

Q. Do you overlook any prison offence ? Do you shut your eye to anything, or wink at anything ?

A. No, sir.

Q. Then do you overlook anything at all ?

A. No, sir ; because if we did, it would grow on us in such a way we would not be able to overcome it.

Q. Are guards discouraged from making trivial complaints against the prisoners ?

A. There is a great difference in guards. In many cases a guard is more to blame than the prisoner.

Q. What are the hours of duty for your guards ?

A. From six in the morning until six at night, and from six in the evening until six in the morning.

Q. How many men are under each guard ?

A. It varies.

Q. How many guards have you altogether for your 600 men ?

A. Fifty-eight officers, not including the warden, deputy, etc.

Q. What staff have you in the warden's office ?

A. The deputy-warden, chaplain, physician and clerk.

Q. Do you allow any prisoners to do writing in the office ?

A. No, sir.

Q. Do you utilize their services in any clerical work ?

A. We do to a limited extent inside the prison, but not in the office.

#### LIBRARY.

Q. Who has charge of the library ?

A. The chaplain.

Q. Do you utilize any of the Prison labor ?

MR. MILLIGAN. We utilize four, and they are very efficient ; not one book was lost last year.

Q. You utilize prison labor in the kitchen ?

By DEPUTY-WARDEN, MR. MCKEAN. Yes, sir, and the bakehouse. Our boss baker is a prisoner—learned it in the prison.

Q. Do you bake or boil your meat?

A. We bake. Give them a roast once a week, and give them potatoes roasted once a week.

#### VISITORS.

Q. Do you make a charge for visitors?

A. We do for curiosity-seekers.

Q. To what purpose are the receipts applied?

A. To the library.

Q. How much does that amount to in the year?

A. It does not amount to much now. When we were in the central part of the city large crowds came in; then it would amount to \$200.00 or \$300.00 a year.

Q. Do you approve of it?

A. I do, because it keeps out some who would otherwise come in.

Q. What effect do you think it has upon the prisoners themselves.

A. I think, as a general thing, the mere curiosity-seeker, who comes and stares at the prisoners, has a bad effect upon him. But I think the proper visiting of prisoners by gentlemen who are interested in prisoners and have some knowledge of human nature, will treat a prisoner properly, and I think that kind of visitation does the prisoner good, but I do not think any good results follow from the visits of mere curiosity-seekers.

#### INTERVIEW WITH MR. MILLIGAN.

Q. How long have you been chaplain?

A. I have been here fifteen years.

Q. You are appointed—?

A. By the Board of Inspectors.

Q. Are you sole chaplain of the prison?

A. Yes, sir; as far as the office of chaplain is concerned.

Q. In addition to the ordinary chapel services, have you schools of instruction?

A. Not since we have moved here, but we have had, and will have, doubtless, again.

Q. What is the nature of them?

A. The way it was organized aimed to take the absolutely illiterate, to learn them to spell, and things of that kind. They are classified as nearly as possible according to their range of learning. The schools were held in the afternoon. The men in the shops are released at an hour designated and were taken to the school-room after their work. There was a clause in the contract which provided that the prisoners should have a certain school-hour, and that, of course, was accorded him, especially if he was illiterate. Often-times a man will desire to go to school to get away from work or to break up the monotony of his cell life. Each and every illiterate prisoner is given the opportunity of going to school. Of course his misconduct would break in upon that for a certain time, and then he would be reinstated. We have never made any attempt at higher education. We teach them the three R's. Of course I would bring to bear upon their lessons something besides the lesson, something of practical economy. The school system did not take on the form of simply learning a book, but it also took on the form of education.

Q. What time is devoted to the school ?

A. Three hours, per week, probably. That was about all we could secure from the contract.

Q. What proportion of the prisoners were illiterate ?

A. I do not remember, but that can be ascertained from the report.

Q. If a prisoner was in the semi-dark cell would he be allowed out to attend service ?

A. No, sir ; I have never known it to be done. A man might be in the dark cell and it might not be necessary to keep him in more than over a night, and if he was put in on the Saturday night, he might be taken out if the circumstances were inquired into and the request made of the Deputy-Warden.

Q. You would have no power to release him yourself ?

A. Oh, no.

Q. You would not assume it ?

A. No, sir ; my authority is not disciplinary at all.

Q. In regard to your schools, have you found that the education given in this primary way to prisoners has had a good effect upon them ?

A. Always ; I have noticed that. Frequently a man who has been unable to write will learn to write his own letter or his own name, and he feels much more independent about the matter, and enjoys the privilege of writing because he has learned to do it himself, and I have heard men say that have gone out to sign their name for the money the State gives them; "I learned that in prison, and it has done me that much good."

Q. What is your library system ?

A. We have in all about 7,000 volumes in the library, and each man has a catalogue in his cell, and a little slate, with his number on the slate, and he selects from the catalogue just the books he wishes, and then they are placed outside his cell and collected by the prison librarian, under the guidance of an officer, and taken to the library and exchanged there.

Q. How do they read them at night ; are they allowed a light ?

A. Yes ; a man often gets through a task at two or three o'clock in the afternoon.

Q. They are allowed them in the shop ?

A. No, sir. We allow daily papers, but they are not allowed to take papers to the shop, but a man who wishes to read comes from his work to the cell, when the work is done.

Q. When the work is done you allow them to go to their cell and read ?

A. Yes, sir. Each man has a stint or task, and when that is completed he lifts up his hand, and the officer goes to see what he wants, and if he wishes to go to his cell, all the officer has to do is to take him there.

Q. Do you think that has a good effect ?

A. Yes, sir. It is better than a man sitting there moping or attracting the attention of other men at work and hindering them.

Q. Daily papers are allowed. Not enough to go all around I suppose ?

A. No, sir. A man subscribes for a daily paper from his over-work. It is paid by his own subscription or by a friend outside.

Q. How many daily papers come in ?

A. A great many.

Q. Are they handed back ?

A. No, sir. They can be distributed by an officer to another prisoner who has not money to buy.

Q. But papers from their friends outside are allowed ?

A. Yes, sir.

Q. Are they examined before the authorities ?

A. Yes, sir ; all the mail matter passes through my hands. We allow books to be sent in of the standard novel character ; no dime novels, nor obscene literature, or anything of that kind.

Q. You believe then that the encouragement of reading by the prisoners has a good effect upon them ?

A. Oh, yes, sir ; I have no doubt of that. I have never seen any ill effect from reading the daily newspapers.

Q. What about the privilege of writing home ?

A. Once every month, with the opportunity of an extra letter if the man's conduct is such as will allow it. If there is a necessity for an extra letter, sickness or anything, we permit it.

Q. How often can a man receive letters ?

A. All letters that are sent. They are distributed every day.

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INTERVIEW BETWEEN THE COMMISSIONERS AND EDWARD S. WRIGHT,  
WARDEN OF THE WESTERN PENITENTIARY, PENN., SEPTEMBER  
5TH, 1885.

Q. Is your system of punishment authorized by a statute of your legislature ?

A. The organic act directed a board of inspectors to create a system of rules, and when so adopted by them, it should have the effect of organic law.

It is distinctly provided in the organic law that no cruel or unusual punishments shall be inflicted. To guard against that, it provides for a board of management consisting of five inspectors, two of whom shall be a monthly committee. The chairman for this month goes out, and another one comes in ; so that they each serve two months, taking alternate terms ; then it is provided that they shall visit the prisoners at least twice a week ; shall converse with them separate and apart from the officials of the prison, unless the inspector shall request their presence. The object was to guard against oppression, against coercion, and against collusion.

Q. Was it for the purpose also of making inquiry as to whether the warden was following the humane principle in regard to punishments ?

A. No doubt it was ; and whether the subordinates were liable to do things the warden did not know of ; and if so, the warden would be apprised of them. There is not much trouble usually with the warden, but when you get fifty or sixty officers, they sometimes, by collusion, keep things from the warden.



Q. Then you have no by-law defining minutely the punishments ?

A. Yes. From time to time the board of inspectors meet, and with the growth of the times enlarge or change, as the case may be. I can simply say that what we have here to-day is really by the fundamental law of the state, correct ; it is authorized, yet you will not find it in the statute book.

Q. You will not find the minute details ?

A. No. Did the deputy not give you this morning a hand bill in large type ?

A. No.

A. I will send you one and will send you other things. That bill is to this effect : The man who enters this punishment cell, has in his own hands the duration of his punishment. He is asked simply, and unconditionally to surrender on promise of obedience to the lawful authority of the prison.

Q. Kindly explain for what offences he is put there ?

A. A man has a task, and he falls behind with his work, wilfully and carelessly ; he is reprimanded, and that does no good. He is sent over, as we call it, and it is his first offence ; he gets in solitude, thinks a little, night comes on and he gets nothing to eat, except a piece of bread, and cold water to drink. He gets thinking and taps on the door gently. The officer goes and asks what is the matter. He says, "I see what I have done, I will promise to do my task." Sometimes, for insolence or reckless work, for his first offence, or second offence, we put him in a solitary cell, and he gets out upon a promise of complete obedience, but if he is put in for fighting, or striking an officer or fellow prisoner, or inciting to a revolt, or attempt to burn the building, or for wilful or malicious injuries to property, of course we are not in a hurry to take this immediate surrender. We will say twenty-four, or forty-eight hours will have to elapse, perhaps three days will have to elapse. We will say to him: You must think and think a long time before we want to talk to you. I wish you had seen Mr. Warner, superintendent of the workhouse. Perhaps you saw his dungeons ?

Q. Yes, we saw them ?

A. He stops the supply of water, and takes away a man's bed, and it fetches him quicker than any other place in the United States. Suppose a man is in a dungeon and he is kicking up and making a noise, and it becomes necessary to repress him, and at times we put leg irons on him, and they are fastened to a bolt in the corner of the cell, that is in our own place. Sometimes, if necessary, they are handcuffed to a ring in the wall, but there you must be very careful how you use it, certainly have it no higher than that, (illustrating). With us, a man is fastened up during the working hours. It is usually inflicted where a man says he will not work any more. We only put him in there in the day time, never at night. At night, we give him a blanket or two, according to the season, and let him lie on the floor. We give him bread and water while there, but no other ration, and it is only a very small ration. Just enough, I mean, to tantalise him.

Q. This confinement in a dark cell for any offence, is it for an indefinite period ?

A. Always indefinite.

Q. You never state the number of hours he shall go there ?

A. Never.

Q. What are your views in regard to the indefinite system ?

A. The indefinite method is certainly the best. Remember, that is, he has a bigger stake than that, he is forfeiting his commutation, he does not wipe that out ; he may conform to the rules and tell us he will do so and so on, but the other still remains, he has

lost that. In some States, in West Virginia, for instance, the law defines how many days shall be lost for every time a man gets punished. If a man is in once, perhaps, he forfeits five days; if twice, perhaps fifteen; it is in the progressive method there that a man wipes off his good time by several punishments.

Q. Do I understand that you look upon indefiniteness of confinement in a dark cell as the important feature of it?

A. Oh, undoubtedly. Many men have simply got a bad temper, and the mortification of going to the cell cures them altogether, with the mortification of not knowing what lies behind it. It forfeits a part of his commutation.

Q. In common law, a prisoner cannot be sentenced for offences for an indefinite period?

A. This is not jurisprudence, but it is a portion of the prison discipline, it is a rule of the house. It does not go far enough to be an offence at common law or anything like that.

Q. Would you not have to receive your authority from some source?

A. Oh, of course, the authority is given me that, for offences against the good order and peace of the place, I may put a man on short rations, may lock him up indefinitely.

Q. The power is given to you?

A. Given to me undoubtedly.

Q. And that power is given to you to do it indefinitely?

A. Yes, sir.

Q. Is the word "indefinite" used?

A. It says, in this printed sheet, that a man has it in his own hands. If he is in rebellion, as long as he is a rebel he shall be punished, but when he shall conform to the rules he shall be restored. In a report of the proceedings of a meeting in Chicago last December, you will see quite a discussion as to the method of punishment. Mr. A. A. Brush, of Sing Sing, is the author of a method of punishment called "The Slide."

Q. What do you think of that?

A. I don't like it.

Q. Why?

A. It would lead to heart disease, I fancy. I have not got it.

Q. You know the Joliet system of punishment?

A. Yes, pretty well.

Q. Do you think it a good system?

A. I sent my deputy to work it up. We had really no system in force before that, but some features of that we have abandoned. Coming down to toughs, you attach more importance to punishment than is necessary. You have a lot of scoundrels in all prisons that are not worth the bother or trouble to which you put yourself. Put them in some place where their health will be preserved; let them alone, if you cannot do them any good. You certainly prevent them from being a curse to society. Have a secure place where the incorrigibles shall be put. Let them alone, feed them, and preserve their health reasonably well.

Q. Making them work ?

A. If you go in the cell, but not in the shop. They contaminate the others. The men that require punishment can be counted on your fingers out of the 700 men that we have. I am in favor of separating them ; the word "classification" covers it.

Q. How would the silent system, as practised in the East, work with that particular class ?

A. If you are allowed the time, and avail yourself of it, you will find it is a humbug, if you inquire into it. There is nothing of the kind there.

Q. If you take these incorrigibles and cranks, because many of them are cranks, how would it do to apply that principle only to that class ?

A. To that class I think it would be good. Put them in a little wing of the yard and let them alone.

Q. In the criminal population of a prison will you always find a certain percentage of that kind of prisoners ?

A. They are always there and simply pollute the balance.

Q. Do you find a class of chronic criminals ?

A. Yes sir. I could give you the name of a person who has been in prison nearly all his life, and he does nothing but write little notes complaining of some fancy thing. If you go to see him ten or fifteen minutes afterwards, he is perfectly ashamed that he made any such complaint. In taking men to a place of punishment, a great mistake is made by the officers rushing him off without taking sufficient force. If the offence is of sufficient importance to take a man there, there need not be any further act of violence in putting the man in. An officer will think he is good enough for that fellow ; will take him over, and the first thing he knows he is knocked down, and then the fellow is all over blood, and there is a struggle. Whenever a man is to be punished, the officer should send for a couple of guards, and take him and put him safely where you want him. When a man is in a punishment cell, he asks the guard to give him something, and the guard will say he dare not go in, because the prisoner has a bucket and slashes it at him. My plan is to have a cell with two doors at each end. I will send two officers to see what that man wants, so that if he is ready for any mischief, the other officer is there to stop it. These two doors in the cell may be used for ventilation. Nearly all of our dark cells are foul places ; nearly all the troubles in inflicting punishments are the troubles that guards have taking men to the cells, and what happens when he is there.

#### APPOINTMENT OF OFFICERS.

Q. You have the power of appointing and dismissing guards ?

A. Oh, yes. I have power of appointment of every one under me, and yet I submit my names to the Board. If they know of some private matters about the man's character, they advise me not to take him. If they gather some information, they will say he does not suit.

Q. Is there any time of probation ?

A. There is in one way ; I have six "subs" who are on trial. They get \$50 a month for the first six months, and for the next three years, \$700 a year, the next three years they get \$800 a year, and after five years they get \$900. We furnish no house, no clothing, as you do in Canada. I think it is a poor plan of letting the officers eat at the prison. I think they had better be independent and then there is no collusion.

Q. You could not do that, if they dined in association ?

A. If you go to Albany, you will see something of that. One-half of them go at eleven, and are back in time, and then the other half go.

## DISCIPLINE.

Q. In regard to the feature of reporting, do you consider it important and necessary to bring the prisoner before you when he is reported, in order to ascertain as to the correctness of it?

A. No, not as to small minor matters. He is taken every time before the deputy-warden, and for the small minor matters, the deputy will attend to him. A prisoner is usually admonished once or twice and sent back to his cell or shop, and for small matters, where a man really did not understand it, he will send him to a cell for the balance of the day, and not permit him to be in the shop for that day; and for graver, he will send him over and then advise him as to what shall be done. If you trammel your chief with all these little details, something else is going wrong.

Q. But somebody adjudicates upon minor matters?

A. Yes, sir.

Q. You never overlook an offence of any description?

A. Not to my knowledge.

Q. Your principle is not to overlook?

A. No; if a thing is done wrong, it is worth telling the men about, and a repetition will cause it to be remembered the next time.

Q. What is your experience about guards? in regard to what we call nagging prisoners—keeping at them?

A. Half the mischief in the prison is caused by the guards. Every one is not fitted for a guard. I think much trouble about guards is as to the way of providing of places for political partizans, in the same way that every man thinks he is a good letter-carrier. Every man thinks he is a good prison officer, and wants an easy snap.

Q. You have the appointment and discharge of your officers?

A. Yes, sir.

Q. It rests with you?

A. Yes, sir.

Q. As to the quality of them?

A. Yes, sir.

Q. Do you get inferior officers sometimes?

A. I do, sometimes. I think it is well to change the duties of the officers very frequently. They get in a rut. A man who is a long time in charge of the punishment rooms is changed, and I let another fellow go there. The other day, the cleanliness of the place did not please me, and I changed every officer. One young man who had been with me for seven years, I told to go into the work shop Monday morning. He looked at me and said he would not do so. I said, you know what the next step is; and he flushed up and said, "My resignation is sent in to-night." He did resign, and I accepted it.

Q. What qualities would you expect in a guard? How would you decide as to fitness?

A. I would get a man who did not talk very much, a reticent man; a sober man, and a good temperance man; and a man in good health himself; a man who has not very many money cares on his head; not a fellow who is over ears in debt, and is bothered to know how the accounts are to be paid. It wants a man who is a little free from the



cares of this world. If a man is over ears in debt, he is apt to trade with the prisoners and get a little money. That is contraband. In every case, a man should have a fair education.

Q. What are your views in regard to guards who are continually talking and discussing prison affairs outside?

A. Well, it's a great nuisance, not of ours, but of everywhere you go. I think such men are better out of prisons than in them. They make more mischief than anything else, because they magnify little things. You do not buy all the virtues for \$60 a month, but you ought to get a man of medium ability. They are forbidden to discuss prison affairs, and the rulings of superior officers. If they have any grievances, there is a proper way in which to make their complaint.

Q. Would there be any use in assembling the officers at any time?

A. At Philadelphia, they will tell you of a school in which all the officers are brought together and drilled in all the details of prison life.

Q. Is that in the Eastern penitentiary?

A. Yes, sir. I occasionally get the men together and tell them a few simple rules, but the best way is to let a man work out his own methods and simply watch him.

#### REWARDS.

Q. I suppose you have had no experience with short-date men?

A. As low as a year.

Q. Do you think it would be advisable to apply this system, or earning a remission of the sentence, to those men?

A. It is not applied anywhere under a year.

Q. It certainly promotes good conduct in the prisoners?

A. In every way. It is a big mistake they make.

Q. Even if there was a certainty of the prisoner coming back again, would it not be better to adopt that system even with three-months' men?

A. We deal with our men every time as new men.

Q. You wipe off his slate when he leaves you?

A. Oh, yes, sir.

Q. Have you no regard to his previous record in the prison?

A. Not at all.

Q. Would it not be better, even if there was a certainty of a man coming back again, that the short-term man should be rewarded for good conduct?

A. It is worth it is for the prison, and incidently it effects a change in many that you do not expect it from.

Q. What are your views in regard to indeterminate sentences?

A. You will see Mr. Brockway.



Q. Yes?

A. Well, let him work out his own salvation. With regard to the question of religion in prison, I want to say something about that. I do not care whether a man has been a Protestant or Catholic, he has not been a good member of his congregation before he got into prison. That is evident. We are running the Protestant and Catholic faith in our prison, without any clash. The good Bishop Freeland is sent for by a man—he says he is a Catholic, and means to go to church to get some good advice. We have lately got into having a Catholic service and a Protestant service at the same time, without the least clash. They never interfere with punishments. They first say, A true Catholic renders obedience to law. If you want to prove yourself to be a good Catholic, you must conform to the law where you find it. I will have nothing to do with you until you are released from punishment, and I shall not think you worthy to bother about unless you get out of punishment very soon. We never have any clashing. These men are nothing but lost citizens; it is your duty to reclaim them if you can; it is your duty to persevere to get good results; you may be deceived many times, most, but many a time you will get good results where you expected little. I have been in prison life 17 years, and I have concluded they are nothing but lost citizens. It is our duty, as upholders of the law, to reclaim them, if we can. If we succeed, it is well, and if not, still go and try.

Q. What are your views generally as to results of reformatory influences?

A. Better reports by far can be shown by prison reports than any missionary society ever dreamed of getting.

Q. You believe that good work is being accomplished?

A. I believe in man abandoning crime; he may not be a good man, but he is, at least, not away from society. He is at least a scallawag; he is getting along and keeps his family, and he is at least beyond becoming a public burden.

Q. Do you know cases of that kind?

A. Oh yes. It is most astonishing. Last night I heard a case of a woman here—that is, years upon years ago—she could neither read nor write. My wife saw her this morning. She had taken an interest in the woman and helped her to read and write. She was there for a very grave charge. It resulted in a letter being sent to her family; it resulted, after great persuasion, in their coming here; it resulted in the wife going to her home, she had abandoned years before; it resulted in the terrible craze for the education of her children; it resulted in one of them reaching one of the professions; resulted in that man being in one of the highest positions in one of the cities of the United States, and his father and mother are living with him.

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INTERVIEW BETWEEN THE COMMISSIONERS AND H. S. FLEMING, OF  
THE ALLEGHANY COUNTY WORKHOUSE, AT CLAREMONT, PENN.,  
SEPTEMBER 5TH, 1885.

Q. What is the corporate name of your institution?

A. The Alleghany County Workhouse and Inebriate Asylum.

Q. It is entirely for the county of Alleghany?

A. Yes. But we can take them by an Act of Assembly from other counties, and they pay us. The institution was established in 1866. We can accommodate a thousand after it is finished. We can accommodate eight hundred prisoners now. Last evening we had in custody 517 men and 112 women.

Q. What courts sentence to the workhouse?

A. What we call our Criminal Court, Magistrates' Court, and the Mayors of the two cities, Alleghany and Pittsburg, and the magistrates of the county for petty offences, drunkenness, disorderly conduct, vagrancy, etc.

Q. For what periods?

A. I am sorry to say that they send them for too short periods, thirty days, ninety days, six months.

Q. What is the longest period you receive prisoners for?

A. They will send them here for two years—from twenty days, up to two years, on one charge. They can give them six years, on three charges. A prisoner may be here for six years.

### INDUSTRIES.

Q. What industries are carried on?

A. Coopering, brooms, white lead kegs; and in the women's department, knitting, brush-making and sewing. They had the laundry business.

Q. Are the industries carried on by contractors, or by the county?

A. By the manager of the institution. We have no contract system in vogue.

Q. Is it self-sustaining?

A. No sir.

Q. Last year how much did it cost you to maintain the workhouse?

A. We can give you one of our reports. (*See Report presented.*) We could make it self-sustaining, if we were to charge for all the work our inmates do. Without taking credit for what our inmates do of our own work, we run about \$14,000 short.

Q. Is the institution under charter?

A. Well, yes; all the institutions in Pennsylvania must be authorized by Act of Assembly, and do business under seal.

Q. Is it under a board of inspectors or commissioners?

A. We call them a board of inspectors. The board consists of five.

Q. How are they appointed?

A. By the courts and the mayors of the two cities, and the county commissioners, and the comptroller of the county.

Q. Who makes the by-laws and regulations?

A. This board.

Q. They have full power to do that?

A. I think so.

Q. I mean without reference to the Governor or county authorities?

A. Oh yes, we have a right to make all the laws.

Q. Now, who appoints the warden?

A. The board of inspectors.

Q. Do you appoint him for a definite period, or during good behaviour?

A. For one year, or during good behaviour; all our officers are appointed in that way.

Q. What other officers do you appoint?

A. The superintendent, deputy-superintendent, chaplain, a physician, and prison clerk.

Q. Who appoints the guards?

A. The superintendent appoints them, with the approval of the board of inspectors. The warden is called superintendent.

Q. Has he to have the consent of the board of inspectors before he can appoint a guard?

A. Oh, no, he appoints them, and then we approve.

Q. Who has the power of dismissing?

A. The superintendent, subject to the approval of the board.

Q. Can he summarily dismiss?

A. I suppose he could. Yes, for any great dereliction. You know the board would approve of it at all events.

Q. You have a surgeon; does he make daily visits?

A. Oh yes, every morning at 8 o'clock.

Q. Does he see every prisoner that comes into the prison?

A. Only those who complain of sickness. They report sick and are taken to the doctor.

Q. Have you a chaplain?

A. Yes.

Q. Is he a resident of the place?

A. He does not reside here, but we have a house here for him. He resides in the city, but he has to be here every day.

Q. Does he do the chaplain's duties for all the prisoners?

A. Oh, yes, we have but one chaplain. We allow a prisoner to see a minister of any denomination he wishes to. For instance, a Catholic says he wants to see a priest, we let the priest in to see him, if he can do him any good.

Q. Do you require all the prisoners to attend service?

A. No, we would rather they would, but if they do not choose to go, they need not.

#### PUNISHMENTS.

Q. Have you a copy of the by-laws and regulations of the institution?

A. Yes, sir. (*See copy presented.*)

Q. Do the by-laws define the method of punishments, or is that left to the superintendent?

A. Left to the superintendent. All that we require of him is that he report to us.

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QUESTIONS ANSWERED BY DEPUTY-SUPERINTENDENT GEORGE D. BERT.

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Q. Tell me the nature of the punishments? For instance, a prisoner has committed some slight offence, continued talking, what would you do with him?

A. In the first place, reprimand him; secondly he gets bread and water for forty-eight hours, letting him have his bed. If he continues his bad conduct, he will get the blind door or dark cell, and his bed taken from him. We put him there forty-eight hours—that is our general punishment. We keep him there until he promises to behave himself. Then we have a box, which Mr. Warner introduced, and it is a great remedy. It is a box six feet high and four feet wide, placed in the yard, outside of the prison altogether, back of the shoe shop. We put the prisoner in there for forty-eight hours, with no bed. They can make all the noise they like. They get two slices of bread a day and all the water they want. We keep them there until they promise good behaviour, keeping them there for an indefinite period.

Q. That is the most extreme punishment?

A. Yes.

Q. Do you ever inflict the lash?

A. No, sir.

Q. Or cat?

A. No, sir.

Q. Or “Paddle”?

A. No, sir.

Q. When you put them in the dark cell, do you put them in for an indefinite period, or for a definite period?

A. We just have the blind door.

Q. Do you have them for a definite period?

A. Oh no, just one day, and if they behave themselves when night comes, he is taken out.

Q. I want to know whether you say to a prisoner, You shall go in there for forty-eight hours, and keep him that long, or whether you say to him, You will go in there until you behave yourself?

A. The superintendent pronounces forty-eight hours, and when the forty-eight hours are up, he goes around to see him and will say, “How do you feel, do you feel like behaving yourself,” and by making a promise, gets out. If he does not behave himself, we keep him there until he does behave. Now we have had a good many that have refused to work. In the morning, I put them all to work. An official will come to me and say “Here is a man who refuses to work.” I bring him in to Mr. Warner, and if he refuses to work, he is locked up in a cell or in that box, and he gets neither water nor bread until he goes to work and does the job he refused to do. Some hold out two or three days, and some four days; afterwards they come down and say they do not feel well and think they will go to work and do the job.

Q. Are the punishments awarded upon complaint of the guards? Do the guards make a report to you?

A. Yes, sir.

Q. Is it done in writing ?

A. Yes, sir.

Q. Does the superintendent always see the prisoner before he awards the punishment ?

A. Yes, sir.

Q. Does he see and inquire into the case in every instance ?

A. Yes, sir ; sees every case brought before him. I go and report to Mr. Warner, and he goes out and sees him.

Q. For instance, a prisoner in the shop becomes unruly, does the guard bring the prisoner into the warden immediately ?

A. Brings him right in here.

Q. And the guard comes alone ?

A. I bring him in.

Q. Does the guard send for you ?

A. Yes, sir ; we have electric bells all through the shop. The indicator shows where the alarm comes from.

Q. Is the guard who makes the complaint confronted with the prisoner ?

A. Sometimes. They generally admit the offence.

Q. If the prisoner denies it, does the warden send for the guard ?

A. Yes, sir ; not in all cases, but in some cases.

Q. Now, I forgot to ask you about that dark cell ; is there a ring in the dark cell.

A. No, sir.

Q. Do you sometimes put leg irons on them ?

A. No, sir.

Q. Nor hand cuffs ?

A. No, sir.

Q. Is the punishment of the prisoners entirely in the hands of the warden ?

A. Yes, sir.

Q. Do you sometimes do it ?

A. In his absence.

Q. Is there any appeal from the warden's decision in regard to punishments ?

A. No, sir.

Q. Can the prisoner appeal to the board of inspectors ?

A. If he desires.

Q. Is it often done ?

A. I never had it, I believe, but once, and that was by a kind of crank who bothered everybody. In the box, a man gets nothing to eat if he refuses to work.



Q. But does the period of his confinement depend on himself? If he says he will do what is right, that he will go to work, or will not talk any more?

A. He can get out at any time.

Q. If he is sentenced for forty-eight hours to the dark cell; if he sends for the warden and says, "I am going to behave myself;" is he immediately let out?

A. No, sir; he has got to stay there for the forty-eight hours. When the forty-eight hours are up, then we go around.

Q. You carry out definite punishment?

A. Yes. We have a case now that we have had a great deal of bother with. A man was reported and punished, had forty-eight hours and was taken back to the shop; was there two or three days, and is reported again and punished again. We just take him and lock him up for ten days on bread and water.

Q. Did the doctor examine him to see if he was sound in body and mind?

A. No, sir.

Q. You were sure that he was all right?

A. Oh, certainly. If I would doubt it, I would have the man examined by the doctor. He does that in all cases.

Q. In the case you have mentioned, you say you locked the prisoner up for ten days on bread and water?

A. Yes, sir.

Q. Does the doctor make any objection to that course?

A. No, sir.

Q. What does that generally do?

A. Why, it does them a great deal of good. They are kept away from the others, they cannot talk with anybody, and in some cases it does a great deal of good.

Q. Is that in the dark cell?

A. No, sir; in their own cell.

Q. Has he the bed removed?

A. The bed removed.

Q. Have you many cases of that kind?

A. No, sir; very few.

Q. How many would you average in a year?

A. We would not average a dozen in a year.

Q. Have you had any that run over ten days?

A. Yes, sir; some that are stubborn and will not do as they are told.

Q. Can you remember of any extreme case you have had?

A. Fifteen days is about the longest—about two weeks.

Q. Were these on bread and water all the time?

A. Yes, sir. If they are honest and behave themselves they get their diet.

Q. Do they get an unlimited supply of water?

A. All the water they want.

Q. Does the doctor visit them occasionally?

A. Whenever I report to him I want him to see them.

Q. How often is the prisoner visited by you?

A. I go twice every day, morning and evening.

Q. That is in the dark cell?

A. Yes.

Q. Are they let out attended?

A. No, sir; the blind door is unscrewed and set to one side, and at the morning, at five o'clock it is put on again.

Q. Do you keep a record of all the punishments?

A. Yes, sir.

Q. In a regular punishment book?

A. Yes, sir. That is reported to the board. All men from one year up get three days per month, on good behaviour.

Q. Is there any punishment given to a prisoner that the superintendent has to receive the authority of the board before he inflicts it?

A. No, none that I know of.

Q. As a general thing do you find that your system of punishment, that you have just recited, is an effective one? Does it accomplish what you have in view?

A. Yes, sir.

Q. Is there any change that you would recommend, or that you would adopt in order to improve it?

A. None that I know of.

Q. Do you think the lash would be good?

A. The 'lash would be good upon some young boys we have here. We have boys from ten to twelve years of age, and you cannot take them and put them in the dark cell, and Mr. Warner feels as if he would like to lay the little fellow over his knee and spank him; and if he had the authority he would do it. It would be the best thing for them, in fact they ought to go to a reform school; they ought not to be sent here at all; it is a great nuisance.

The wooden box that we kept out in the yard, is seven feet high, five feet long and four feet wide. We never had occasion to use it in the winter, except once, which was a highly exceptional case—a very incorrigible young girl that we could do nothing with. We put the box in the yard specially for her, taking the precaution to have it properly heated. It brought her to time.

#### REWARDS.

Q. Have you a system of rewards for good conduct, and can prisoners earn a remission of a portion of their sentence?

A. Yes, for good conduct they get three days a month, if they are sentenced for a year or over. No remission is granted for those sentenced for less than a year.

Q. Does that not create a bad feeling among the prisoners who cannot earn a remission? From your experience, has it a bad effect?

A. Oh, it has a good effect upon the long-term men. They behave themselves very well to get the three days.

Q. Do you not think it would be a good thing to extend it to all the prisoners?

A. For prisoners sentenced for six months it might do; but anything below that I do not think it would.

Q. Why?

A. With our class of prisoners they would get out sooner and be back again.

Q. You would not recommend it to be applied to those sentenced for less than six months?

A. No, sir.

Q. Because they are prisoners in and out of the institution?

A. Yes, sir.

Q. And it has accomplished nothing?

A. Nothing. Prisoners sent here for less time are generally sent for drunkenness, and so on, and as soon as they get out they will be back again. It would increase the work considerably, because we keep an account for each long-term prisoner.

Q. Have you many cases constantly in and out?

A. Oh, yes.

Q. What is the percentage do you think?

A. Over one-half, especially among the females, they are continually coming.

Q. Do you ever give prisoners a pecuniary interest in their labor, or do you give them a little money when they go out?

A. Yes, sir. If a man had been a good faithful man and has worked faithfully, we give him fifty cents, and if he is a very good man, we give him a dollar. Sometimes a man has no shoes, and if he behave himself, we will give him shoes, or a shirt, or a pair of pants.

Q. Do you send them home to their place of abode?

A. No, sir.

Q. You just let them out of the gates?

A. If they have any time at all, they can earn enough money by over work.

Q. Do you give them any tobacco?

A. Yes, sir, once a week, a ten cent plug.

Q. Do you find it to be a good plan; does that induce good conduct?

A. Oh, yes.

Q. For instance, if you stopped it altogether, what would be the effect?

A. I would expect a riot. We find that prisoners are more easily managed when they get it.

Q. Do you find that they dirty themselves with tobacco juice?

A. No; they have a spittoon and they keep their cells clean. Sometimes a little splash gets up against the wall. We give them a ten-cent plug and they have the privilege of buying more by their overwork.

Q. Do they smoke?

A. Yes, sir.

#### Re DIETARY.

Q. Do you have a fixed dietary?

A. Yes, sir.

Q. Are there not articles of food that you limit?

A. They can take all the bread they want. They just get a dipper full of soup every meal. One prisoner gets as much as another. We give them barley soup; rice soup; pea soup, and on Wednesday, we have a dry dinner. Sometimes we give them corned beef. In the summer, we give them all the vegetables we can, three or four tomatoes, or two or three ears of corn.

Q. But the weight of that is all fixed?

A. Yes, sir. Fridays, we get pork and beans, and on Saturdays, they get soup, and on Sunday, they get pot-pie. In the morning they get bread and coffee only. For a man who has a task of twelve barrels a day, they get a ration of meat.

Q. What do they get at night?

A. Bread and coffee.

Q. Nothing but that?

A. No, sir; except on Sabbath evening they get a piece of ginger-bread.

Q. How much coffee?

A. A quart.

Q. Do the prisoners frequently complain; are they a complaining lot?

A. No.

Q. Do they complain of the quality of the food?

A. No, sir; only one man. He complains, but he gets a double ration every day.

Q. Do they take their meals in their cells?

A. Yes, sir.

Q. Do you approve of that?

A. Yes, sir. I think it is the best thing that can be done. I went through the Cincinnati Work House, and I saw them eating there, and I did not like it because it gives them a chance to talk more or less, and at noon-time, when they are in the cells, each man is separate. You leave one guard in there and you have no trouble.

#### LIBRARY.

Q. Have you a library?

A. Yes, sir.

Q. Who attends to it?

A. The chaplain.

#### BATH.

Q. How do you bathe the prisoners?

A. We bathe them every week.

Q. How often do you change their clothing?

A. Every Saturday. They are also shaved every Saturday.

#### DISCIPLINE.

Q. Do you consider that the prison is governed upon a strict, rigid, discipline, or is it somewhat flexible?

A. I would say that we enforce most rigid discipline.

Q. Do you overlook any offences at all?

A. Well, in some cases we have got to.

Q. Do you wink at them, or simply reprimand them?

A. Reprimand them.

Q. You do not overlook them?

A. No, sir.

Q. With the class of prisoners you have got, could you run the prison on a lax principle of discipline; could you run the prison if you overlooked little offences?

A. We could not do it.

Q. Is it more difficult to govern prisoners that you have here than in the penitentiary?

A. Well, no; we have about the same prisoners here, because they are coming and going.

Q. How do long and short-date prisoners compare in regard to behavior?

A. I do not know. As far as our prisoners are concerned they behave well. I am strict with them.

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#### INTERVIEW BETWEEN THE COMMISSIONERS AND MICHAEL J. CASSIDY, WARDEN OF THE EASTERN PENITENTIARY OF PENNSYLVANIA, AT PHILADELPHIA, SEPTEMBER 7TH, 1885.

Q. What is the exact name of the prison?

A. The Eastern State Penitentiary of Pennsylvania.

Q. Do you know when it was established?

A. First occupied in 1829.

Q. From what counties or from what places do you receive your prisoners?

A. From the thirty-three counties of the State. From the other half of the State, the prisoners go to the Western Penitentiary.



Q. How long have you been warden ?

A. Five years.

Q. And were you in the service before that in this penitentiary ?

A. I have been now in the service twenty-five years. I came here as carpenter to do some work, and have been in the various departments of the service ever since, as overseer, substitute for the warden on different occasions, and now I am warden.

Q. What is your present capacity ?

A. Seven hundred and thirty cells.

Q. How many prisoners have you now ?

A. One thousand and seventy, of whom twenty-nine are females. In some cases two prisoners will occupy one cell.

Q. By what Courts are prisoners sentenced to this place ?

A. By the Criminal Courts and the various County Courts upon conviction by a jury.

Q. And for what periods ?

A. From State Courts, from one year upwards. I have five life prisoners. It has been but recently that there has been a life-sentence in the State. Previous to the introduction of the new constitution, there was only the second conviction of murder in the second degree, that gave a life-sentence.

Q. You have capital punishments in this State ?

A. Yes.

Q. Kindly tell us the principle upon which your penitentiary is carried on ?

A. It is known as the individual treatment system.

Q. It is separate as distinct from congregate treatment ?

A. It is individual treatment. The individual is arrested first as an individual ; is convicted as an individual ; his individual case does not interfere with any congregational matter. He comes here as an individual sentenced by the Court, and he is so treated all the way through from first to last—as an individual. That is the only common-sense treatment for prisoners. Their are no two people alike in their constitutions and character, and the treatment that would be beneficial to one would be injurious to another. Some require very positive treatment and others negative. Sometimes if you will let them alone they will get on very well. You have to keep at others to make them do right.

Q. I suppose it requires a great deal of observation on your part ?

A. That is absolutely necessary to carry out this system. There is a school for the education of officers held every night before they go away. They get their instructions and directions directly from the warden, and there is no other power over the officers than the warden, and by that means they get a uniform direction. One cannot say to me, I did not know that, or I never saw it done that way, and did not know it ought to be done. They meet in that room every night before they go away, and receive instructions, or directions, or suggestions, or anything I may choose to think would be for their benefit.

Q. Is this the only prison of the kind ?

A. The only prison on this continent of the kind.

Q. You do nothing under the congregate system ?

A. Nothing.

Q. Every prisoner in a cell, or every prisoner in a cell with another ?

A. There is a cell intended for each prisoner. He performs all his work in his cell. The work is given to him, and taken from him, and he is instructed by the overseer to do it.

Q. What industries are carried on ?

A. Shoemaking, chairmaking, weaving, cigarmaking, hosiery. These are the principal industries.

Q. Are the prisoners put upon a task ?

A. Put on a task. That is the way the individual system applies—one individual can do twice as much as another, and not work nearly so hard. You will find that in every business—with lawyers, mechanics, or doctors—some can do it, and others by doing their best, cannot do it. There are men here who cannot do the task allotted them ; others will do two or three times as much, and they cannot do it, simply because it is impossible, and not from any disposition not to do it. He may do his very best and yet cannot do it, and there is no reason he should be punished on that account.

Q. Then you do not task the prisoner until you find out what is his capacity ?

A. The task is a minimum. Any prisoner can do the task.

Q. Do you commence at a minimum ?

A. The task is fixed at a minimum. Then, after he performs his task, he shares the profits of his work with the County. The County gets half and the prison half.

Q. Is the prison self-sustaining ?

A. No ; they are short about \$30,000 or \$35,000.

Q. Do the prisoners work under the prison authorities, or by contractors ?

A. Entirely by the prison authorities.

Q. And do you buy your raw material ?

A. Buy the raw material in the open market and sell our things in the open market. No preferred purchaser or preferred people to purchase from. We buy where we can buy cheapest and best.

Q. Have you a board of management or inspectors ?

A. The board of inspectors consists of five gentlemen appointed by the governor of the State. They are appointed every two years and the whole board go out together.

Q. As a matter of fact are these gentlemen re-appointed ?

A. Nearly always ; one man has been on the board since 1842. There are no removals here, except for cause. Politics never enter into the institution in any way either directly or indirectly.

Q. Where was your system first tried ?

A. Philadelphia ; this is the original. It is known all over the world as the Pennsylvania system.

Q. Is it defined by any statute or charter?

A. There is a statute law of the State making this system the prison system of the State.

Q. Is it in the west too?

A. They have abandoned it in the west.

Q. From your observation and experience of this system, do you think it produces satisfactory results?

A. I think more satisfactory than any other system, to the individual man. More opportunity is given him to keep straight in the community when he leaves here. He is not known, has made no associations in prison, and if he chooses to do right he can, without being interfered with. Opportunity is given him, and he has been taught habits of industry, which is a most important matter. Those who have learned a trade learn it all. A man who learns shoemaking here can go anywhere and make shoes. He makes all parts of a shoe.

Q. Do you think your system can be partially applied to the general system?

A. Yes; beneficially.

Q. I mean partially applied?

A. Yes; by taking individuals out of it that it would be worth while to care for, letting the rest remain.

Q. You would take out those you think individual treatment would produce good results with?

A. Yes; and prevent the evil of association. A man who is convicted for crime against the person, where property has been no part of the offence, is entirely a different individual from the professional crime class, who have made crime a business, and it is not fair to associate him with that class of people; it is not treating him fairly and honestly to take him out of a community where he has been an honest man and place him in a community where he is compelled to associate with the crime class who make crime a business and prey on the community.

Q. Do you claim for your system that it is pecuniarily more advantageous than the other?

A. I do not; I do not think as much money can be got out of the labor of the people out of the individual treatment as there can be by contracting the labor to outside people who can enjoy the business in partnership with the State. We use the labor individually and on our own account. The other method interferes with the laboring people, and in this method we do not interfere with them at all.

Q. Does your system meet with the approval of the State generally?

A. Always; is entirely satisfactory to all those who have been in control of it.

Q. The fact that it has been continued, I suppose, is a proof of that?

A. There is no question about their sincerity, and they believe that it is the best treatment. The Western Pennsylvania people abandoned it in order to make more money.

Q. Has there been any attempt to alter the system?

A. There has been no attempt to alter the system. There has always been more or less controversy between the two systems. It first commenced when this system was inaugurated. The Auburn Prison was considered the best prison on the congregate

system, and so estimates were made from time to time as against our prison, and finally the Auburn people gave it up and then they took up the Charlestown system, which had an able manager, and he worked the institution up to its full capacity as a congregate system within the statutes, and their prison was compared with ours, and they gave it up, and finally Massachusetts gave up and failed, and went out, and we still remained floated in the same way.

Q. From your observations, how does your system affect the bodily health of the prisoners as compared with the congregate system?

A. I think it would be better for the health of the people that they should be separated. They could get more air than they possibly could get under the congregate system. There they walk to the prison work-shop from the cell house. The work-house is filled with people all day long, and he is in the cell all night with a night bucket, a cell three feet by seven feet and seven feet high, and sometimes they crowd two in a cell.

Q. What effect has it mentally, do you think, where a prisoner is kept to himself entirely for a long time?

A. It has no more effect upon them than it would in any other prison; that was proved by the estimates which were made between this and the Charlestown prison. The rate *pro rata* of those who became insane was less here than in the other prison. That has always been alleged against this system that it is productive of insanity; that is not so; the facts do not carry that out.

Q. What is the size of your cell?

A. Eight by sixteen, by twelve feet high. They contain about 1800 cubic feet, and most of them have an air court or a cell yard; there is a yard the size of the cell attached to the cell.

Q. Who makes your by-laws and regulations?

A. The board of inspectors.

Q. Is effect given to them without the approval of any higher authority?

A. There is no authority beyond the board, only the general law of the State.

Q. The governor has not to approve?

A. No.

Q. But they are kept within certain lines by the law of the State?

A. Yes, sir; the governor, by act of legislature.

Q. Who appoints the warden?

A. The board of inspectors.

Q. Do they appoint any other officers?

A. Doctor, moral instructor, and clerk.

Q. Then who appoints the rest?

A. The warden.

Q. Does he appoint, subject to the approval of the board?

A. No.

Q. He has full authority to appoint?

A. It is generally reported to the board as a matter of form only. They never interfere.



Q. And can you dismiss ?

A. At any time, summarily.

Q. Without the approbation of the board ?

A. Without the consent or approbation of the board. They elect the warden and other officers for six months.

Q. Why is that ?

A. Six months is long enough, if they have a bad man.

Q. Does the prison surgeon attend daily ?

A. He is a resident of the prison.

Q. Does he see all the prisoners coming in ?

A. Always sees them ; makes a diagnosis of every prisoner that comes in.

Q. Does he examine their bodily condition ?

A. Yes, sir.

Q. And makes note of it ?

A. Yes, sir.

Q. And upon his report are you governed as to what labor you shall put the prisoners at ?

A. Not generally. We could not base it on that altogether. A man may be ill when he goes in, and he may be adapted for a particular kind of work.

Q. At any rate, the warden knows fully the condition of the prisoner when received ?

A. Yes, sir.

Q. And he is under the observation of the warden all the time ?

A. Yes, sir. The work the prisoner is put at is his own choice. He is privileged to go to shoemaking, or other work he thinks he would like, and if he is disabled at the time he comes for doing it, he is not compelled to do it until he is able.

Q. Have you a chaplain ?

A. No chaplain. The moral instructor is in charge of the morals of the people and the library.

Q. The moral instructor is not necessarily a clergyman ?

A. Yes, sir, he is a clergyman. The present one and the previous one were clergymen.

Q. Do all the prisoners come under the instructions of this moral trainer, without reference to religion ?

A. He has charge of them all ; visits them all, and furnishes them with religious reading—those who require it.

Q. You have no Catholic — ?

A. No Catholic moral instructor. There is one appointed by the Bishop who takes charge of these prisoners here, along with the almshouse, and he visits the prison.



Q. But he does not congregate the prisoners together?

A. No sir. Has no congregation for service. Any one who is here, and desires a clergyman of his own kind, he can send for me at any time. It is the duty of the warden to supply any prisoner with any clergyman he may want: Jewish rabbi, or Catholic priest.

Q. You have no chapel?

A. No, sir.

Q. Prisoners are never removed from their cells?

A. No, sir; the building itself is a chapel. The preacher goes into the hall and talks there, and they can hear just as well in their cells as if they were in a chapel.

Q. Under your system, do the prisoners see or communicate with each other?

A. No, sir.

Q. As a matter of fact do they make acquaintances with other prisoners, except in the case of his having associated with them in his cell?

A. They cannot, except when they have been associated with each other in the cell. In that case we endeavor to make selections that would be the least injurious. For instance, two thieves come in—two men who are known to be crime-class men, and they are put together. I would not put a first-class offender in with a crime-class man.

Q. In that double system is there any immoral conduct ever discovered in any of the prisoners?

A. Less than you may suppose. There have been isolated instances of that kind.

#### PUNISHMENTS.

Q. Have you a system of punishment?

A. No system.

Q. Is the punishment of the prisoner left entirely with the warden?

A. Entirely.

Q. In addition to punishments, do you deprive them of any privileges?

A. The punishments we have is a withdrawal of the ordinary privileges.

Q. Will you kindly define them?

A. Deprive a prisoner of light at night might be sufficient in his case. Each indi-

vidual is treated individually in that sense. While a great punishment to one individual would be to deprive him of his light at night, to another it would amount to nothing, because he would as soon be without it. Withholding library books is the severest kind of punishment to some, others do not care anything about it. A smaller quantity of food, to a man who likes to feed well, would be a punishment; others who do not take very much, would not be so easily punished in that way. Some men like to have everything neat and tidy about them; have their cells in good order; have little ornaments fixed up; to remove all these things from that man would be a punishment to him; others do not care anything about things of that kind, and it would be no punishment to them to remove them. Sometimes we take everything out of a man's cell—furniture, bed and everything—and we leave him there.

Q. Do you ever place him on bread and water?

A. Yes, sir.

Q. How long can you place him on bread and water?

A. Until he gets tired of it.

Q. What is the maximum period?

A. They generally get tired of it in two or three days. He is removed whenever he chooses to behave himself, just as soon as he says he is tired of it there is an end of it.

Q. As soon as he comes to submission?

A. Yes.

Q. Do you exact submission?

A. Pretty generally; not in all cases. Sometimes we get a man of a cranky, stubborn disposition, and they would go on in that line until they would positively injure themselves. In those cases I let them go.

Q. And what do you do?

A. I let them go.

Q. Do you class them as partially insane?

A. Insane to a certain extent. Insane in that direction, but on no other subject.

Q. You mean to say that there is a class of prisoners who, no matter what punishment you meted out to them, would not accomplish the object you had in view?

A. Yes, sir. There is a class of people that, do what you would in the way of punishment, you cannot get them to agree that they have been benefited, or accept that you had conquered them.

Q. You just leave them severely alone?

A. Leave them alone.

Q. Do you think that the application of your system, that is to say, have ten or fifteen or twenty cells in connection with our congregate system, would have a good effect upon refractory and incorrigible prisoners?

A. Certainly, because you could control him as an individual, you could take him away from the mass of prisoners.

Q. From your experience, would you?

A. No.

Q. The building of a smaller separate prison?

A. I would recommend that every prison should be built as a separate prison. You can go from that to the other.

Q. Supposing it is not so constructed, would you recommend partial introduction of the separate system in a prison?

A. Yes, as far as you could go.

Q. When you stated that you allowed a refractory prisoner to have his own way, do you mean that you did not take notice of the offence?

A. No. His conduct does not affect the general discipline of the prison. It only affects the individual himself. If it was on the congregate system you would have to continue your treatment of the man even if it killed him, because it would demoralize your institution if you did not.

Q. Take the case of this kind, that you gave a prisoner a stint of work, that that stint was the minimum that you knew he was quite well able to do, and he flatly refused to perform it, what would you do?

A. Withdraw all his privileges.

Q. And leave him the bare cell?

A. Yes, sir.

Q. How would you feed him then?

A. Feed him half rations of bread and plenty of water.

Q. Have you had any experience of that kind?

A. Oh, yes, frequently.

Q. And has your plan been successful in bringing them?

A. Some men have refused, they will not do the work any more; they said they were asked to do more than they could, and they would not do it. Let them alone for a day or two, and very often they alter their opinion about that, and go to work of their own accord. Sometimes I take all their work away from them, and not let them have any work, and they will get sick of that quicker than anything else.

Q. Do you never give corporal punishment?

A. No, sir. There is nothing in that. It is only satisfaction to the individual by whom it is inflicted. It gives him some satisfaction. A man that makes a practice of doing bodily injury to prisoners or officers—makes fight—of course he has got to be subdued by force.

Q. How do you use that force?

A. Just the same as in other cases.

Q. You do not strike him?

A. Yes, if necessary, just the same as a policeman would use his authority in arresting a man on the street. If a man would come at you with a knife or razor, you would hit him.

Q. In such a case you usually try them by a tribunal?

A. No; there has been no instance of a prisoner being injured by any force that has been necessary to use to control him. Officers have been injured; we have had two officers murdered in the history of the institution, and there are two or three now crippled. One has a tendon of his hand cut, and his hand is useless.

Q. About punishment by deprivation of privileges, do you punish for a definite or indefinite time?

A. Always indefinite.

Q. Is the warden the only officer who has charge of the duty of inflicting or awarding these punishments?

A. No other officer.

Q. Does it always come under your cognizance?

A. Every case is reported to the warden; everything that is done is reported to the warden, who is responsible for everything. The inspectors hold him responsible. If the prisoner wants to be removed to any cell, it must be under the direction of the warden; under the direction of the warden must come all the details, from a pound of nails to one hundred sides of leather.

Q. If a guard reports a prisoner for misconduct, is that prisoner brought before you?

A. No, sir; just a mark put on his door, a cross mark on the hinge, and he is subject to punishment. He can send for me any time he likes and I go to see him. If I know who the individual is and know all about him, and just what has been done, sometimes I do not go to see him right away to hear the story he has got to tell. If the story he tells me is not a satisfactory one, perhaps he will send for me again and tell me different one.

Q. Do you find in your system that the keepers are truthful and conscientious in their reports of prisoners?

A. They must necessarily be so, or they will be found out. The warden sees the prisoners—all of them, at least once every two weeks, and he has every opportunity to say what he has got to say about his officer, and if he has any complaint to make he makes it.

Q. Do you find a disposition among the officers to report every trivial offence?

A. No; the disposition of a properly trained keeper is to get along with their prisoner as easily as they can.

Q. They do not "nag?"

A. They do not want to get into difficulty with the prisoners, if they can possibly avoid it. It is to their interest to do so. They have an interest in the business. A man that has been here five years gets \$900, which is equivalent to \$15,000 capital.

Q. Are there many punishments under this system in the prison?

A. No; I do not know one just now that has a chalk mark on his door.

Q. Have you no dark cells?

A. No dark cells; the only cells we have are those you saw.

Q. What percentage of prisoners come back to you a second or third time?

A. We can give you the exact figures in the report. (*See report*).

Q. Is the report against a prisoner by the keeper made in writing?

A. Yes, sir.

Q. Is there a record of all these punishments?

A. No; only the refractory prisoners. A mere violation of rules or report of a non-compliance is not recorded because it amounts to nothing.

Q. As I understand, there is nothing done from the time the officer reports them, only the warden sees him—he goes on with his work?

A. Goes on with his work.

Q. Have you what you call a punishment record?

A. We have a report we make to the board of public charities; we report all the punishments to them.

Q. That is a board appointed by the State?

A. They are appointed by the governor.

Q. And they are not co-ordinate with your board of inspectors?

A. No.



Q. And is a record of your punishments or deprivations laid before your board of inspectors?

A. Yes.

Q. Has a prisoner a right to appeal from you?

A. To an inspector, of course; they do not appeal to the board, because they are brought before the board. A prisoner will request to see one of the inspectors and he can always see him privately and tell him his grievances.

Q. Are you called in then?

A. No.

Q. Do they ever take any action?

A. Oh, yes; sometimes they do; they take the prisoner's view of the matter sometimes.

Q. Would not they confront the prisoner with the officer who made the charge?

A. No; there is no necessity for that in this system; besides, ninety-five per cent. is sentimentality. Abuse of prisoners and cruelty of guards is, ninety-five per cent., sentimentality. Those people are taken out of the community because they cannot comply with the laws of that, and they are put in an institution where laws must govern them, and you cannot undertake to govern them with sugar-plums. It is simply sentimentality, and the sooner you get rid of it the better.

Q. Does the warden require any authority in order to make a disciplinary punishment?

A. No.

Q. From your experience, do you consider your system of deprivations and punishments effective of the object you have in view? And you would suggest no other system?

A. I would suggest no other system of punishment.

#### REWARDS.

Q. Have you a system of rewards for good conduct, and can prisoners earn a remission of their sentence?

A. Yes, reduction of sentence. It is regulated by statute. (*See statute*).

Q. Do you give a prisoner an interest in the pecuniary result of his labor?

A. Yes, sir; he gets one-half of what he earns above his cost to keep. The other half goes to the county. Last year the over-work amounted to nearly \$9,000 which is paid out to the prisoners' families, on the prisoner's orders. His wife or mother comes here on a regulation quarterly or at any time, and a prisoner makes an order for so much money.

Q. If a prisoner has no family is it given to him while in prison or when he goes out?

A. Retained until he goes out.

Q. Does he get any clothes?

A. He gets no clothes. If he makes money by over-work he can order his clothes from a tailor before he goes out. We furnish no clothes except to those who have none at all, and when a prisoner is so that he cannot get them, we give him a suit.



Q. Do you send them to their homes ?

A. We give them \$5 when they leave and live within fifty miles, and \$10 if over fifty miles.

Q. Do you give them tobacco ?

A. No, sir ; they are allowed to have tobacco only by purchasing it by their over-work. They can send this money home to their families in a letter, or their families can get it when they come here. If he has a wife and family depending upon him he can make from four to six dollars a month, and it is a good deal of money to send home, besides that, it keeps a place for a man to go after he gets out.

Q. Do you allow them to chew and smoke ?

A. Yes, from tobacco purchased by their earnings.

Q. Do you stint them in their tobacco ?

A. No, unless an individual goes to great excess in it.

Q. What effect, in your opinion, have these privileges upon the conduct of a prisoner in prison ?

A. It has a good effect by keeping him in about the condition he would be in outside. His habits are not broken up that are not bad habits. One of the principal objects is to break up all habits that are bad, and retain what good habits he has had. If he is cleanly and tidy and well disposed, there is no objection to his having articles of his own—toilet articles, hair brush, tooth brush—and he keeps himself tidy. He can wear his hair or his beard just as he chooses. If he has bad habits we do not tolerate them at all.

Q. Do you allow him to shave in his cell ?

A. Allow him a razor to shave with. If a man wants to be tidy and wants to keep himself so, we do not hinder him. In the Congregate Prison they shave his beard off and cut his hair off. They march him lock step between a Five Point rough and a big negro. It is not fair treatment for a man.

Q. Do you see any other way of doing it under the Congregate system ?

A. There is no other way under the Congregate system. We can treat a big negro and a Five Point rough in the next cell, and they have no communication in any way.

Q. Is there any speaking from one cell to another ?

A. Sometimes they do. That is subject to some withholding of some privileges That conduct is exceptional.

Q. Have you many insane persons ?

A. I suppose about fifty altogether. Men are convicted from the fact that they are insane.

Q. Are many of them insane when they come to you ?

A. All of them. I think there are only five who have developed insanity.

Q. Are they sufficiently insane to necessitate the removal to an insane asylum ?

A. There are many of them sent here, because the jury found them guilty of a crime of a lesser degree, in consequence of a proof before them of their being insane at the time the crime was committed. They are therefore sent here instead of being executed.

Q. You do not think your system is productive of insanity ?

A. Not at all.

Q. Are there many men who have a tendency to insanity who are fit for work ?

A. Many of them. Many of them, who are positively insane, are as good workers as we have. Work is the very best system of treatment for insane people. Take a man who has become unmanagable, or insane, or partly so, or dirty, or filthy, and I have to clean him every day, and sometimes twice a day ; take that man out and put him down at the wash-house under the charge of somebody, get him to work, and exhaust him by turning the crank, and he will go asleep at night. After a while he will work there every day, just as intelligently as a man who is sane.

#### BATH.

Q. What is your system of bath ?

A. Bath once a week. Prisoners go separately to the bath-house and have to wear a gown with a hood over their head.

#### LIBRARY.

Q. Have you a library ?

A. Between 8,000 and 9,000 books.

Q. Who takes care of it ?

A. The moral instructor with the school teacher. We have a school teacher who takes up illiterate people and teaches them to read and write and cipher. We have no collegiate education.

Q. They are allowed books when they want them ?

A. Yes, and they are allowed books from their friends, if they wish to send them—all proper books.

Q. Any newspapers ?

A. All the weekly papers that are moral papers.

#### DIETARY.

Q. Have you a fixed scale of dietary ?

A. No fixed scale.

Q. Do you limit the quantity of bread to prisoners ?

A. Bread is not limited ; they have soup and meat every day. One day in the week they have rice, sometimes mush and milk, and sometimes fish and potatoes. The other four days are meat days.

Q. What is generally the result in your system in regard to increase or decrease in the weight of prisoners ?

A. More increase in weight than lose. I do not think the weight is any consequence at all. I do not think it is any sure test at all. A man that weighs is not the healthiest.

Q. Do you extend the individuality of prisoners to appetite as well ?

A. We cannot do that ; there are no specialties, except man doctor's order ; the doctor diets the patients.

Q. How is the instruction of guards carried on ?

A. They come in that centre room every evening.

Q. Who instructs them ?

A. The Warden, always ; he gives them a lecture of about fifteen or twenty minutes, or more sometimes, perhaps, just as I am in humour. He lectures upon any general subject that will tend to increase their interest in the treatment of prisoners.

Q. I suppose questions are asked sometimes ?

A. Yes ; they get their instructions there for any changes that have to be made, and in that way they are uniform.

Q. How many guards have you altogether ?

A. Our pay roll has forty ; that includes everybody from the warden down.

Q. I understand from your answer that the object of this institution is not to make money, that the idea is not that it should pay, that that is not the first object ?

A. The idea of this separate individual treatment is to do the best for the community.

Q. The community outside ?

A. Yes, by the reduction of the crime-class of people, by the reformation of the prisoner, and inducing individuals to leave their crime-class business. It is a business, just as law or medicine or anything else is. They rotate out of that class, in prison into that class, and never pretend to follow anything else.

Q. You claim your prison has been more effective in the accomplishment of that object than any other system ?

A. Yes, sir ; some commit crime from necessity, not from choice, and some men who are leading honest lives do a very fair and honest business, are honest men only from necessity, we encourage them to do right. There are several from here who are now out in the community doing well. One is a skilled physician ; he read medicine here and attended lectures when he went out, and graduated, and now has a good practice.

Q. He is known ?

A. No. Another important feature is having the prison officer have an interest in the discipline of the prison ; having it so that their own conduct will ensure their being retained or removed. The first year we give them \$500, the fifth \$900, and in the tenth year \$1,000, it is a sliding scale. The time of his service is a warranty of his good conduct.

Q. Have you many changes ?

A. Very few ; they will die in the service but very few resign.

Q. Do you board them here ?

A. No, sir ; I am opposed to that principle.

Q. Do you think any system can be carried on according to which the guards or overseers, as you call them, are not appointed by the warden ?

A. No ; they all should be appointed by the warden, if you want to hold him responsible. There are two things you cannot separate in any way, that is responsibility and accountability. If you demand responsibility of a man you have to give him authority. In the treatment of prisoners you cannot adopt any line : there is no definite line. The indefinite line between a murder and the responsibility that justifies a murder has never been reached by any jurist yet. There is also an indefinite line between courage and rashness, prudence and cowardice, economy and prodigality. You can make no particular line for the treatment of criminals.

Q. What is your opinion of the indefinite or indeterminate system of sentence ?

A. I consider it is so muddled up by the different advocates of the indeterminate and indefinite systems, and the ticket-of-leave system, and the Crofton system that a very few understand it. I have no belief in it as it exists.

Q. Do you find many prisoners who are constantly grumbling?—in respect to food and other things I mean ?

A. Some of them are always grumbling about something. They would be more likely to grumble and find fault with matters to people whom they knew did not know anything about the matter. Many men who would complain to you about their food and treatment—and everything else—who are in no way connected with the prison—would not have a word to say to me about the matter.

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INTERVIEW BETWEEN THE COMMISSIONERS AND JAMES P. LAVERTY,  
DEPUTY-WARDEN OF THE NEW JERSEY STATE PRISON, AT TRENTON,  
NEW JERSEY, MONDAY, 7TH SEPTEMBER, 1885.

Q. What is the exact name of your prison ?

A. New Jersey State prison.

Q. Is this the only State prison in the State ?

A. The only State prison. We have County institutions.

Q. What is the name of the warden ?

A. P. H. Lavery.

Q. How long has he been in office ?

A. He has been here since March, 1881, I believe. I am his son.

Q. What is the capacity of the prison for receiving and holding prisoners ?

A. We have 696 cells, but we are able to accommodate 875 prisoners, by doubling up in one hall.

Q. How many have you in custody ?

A. We have at present 843, I think, of whom thirty are females.

Q. What courts sentence to the prison ?

A. The different County Courts, the Common Pleas, and the Court of Sessions of our different counties. There are twenty-one counties in the State.

Q. For what periods are they sentenced ?

A. From six months to life periods.

Q. Are they sentenced for definite periods ?

A. Yes, sir.

#### INDUSTRIES.

Q. What industries are carried on ?

A. We are about to carry on the industry of brush making.



Q. What is in existence now ?

A. Really nothing in existence, because all our contracts have ceased.

Q. The contracts have all been cancelled for the present ?

A. They were all cancelled on the 1st July. We made new contracts under what is called the "piece price system," which goes into effect, I think, on the 1st September. We are not under way yet.

Q. What will be the industry under the new system ?

A. Brush making and brush block making, shoe making (gents' and ladies'), shirt making, collar making, cuff making, and hosiery manufacturing.

Q. Are these carried on under the contract system ?

A. No, sir, under the piece price system. Instead of manufacturing by days' works, we are paid for the number of pieces we manufacture, for the actual work done by piece work.

Q. The prices are regulated accordingly ?

A. Yes, sir.

Q. It is not a question of days' work ?

A. No, sir, not now.

Q. Formerly you were paid so much per diem ?

A. Yes, sir.

Q. But now it is a contract for labour by piece work ?

A. Yes, sir.

Q. Has the prison been self-sustaining in the past ?

A. No, sir, not on our principle of book-keeping. If we adopted the New York principle of book-keeping we would be self-sustaining. We are charged with everything and only credit ourselves with the actual receipts. In New York, I believe, the system is to credit them with salaries of officers, which come directly from the State there.

Q. Have you a charter of the prison ?

A. No ; we act under the law passed in 1876—the State law.

Q. Have you a board of inspectors or commissioners ?

A. A board of inspectors appointed by the Legislature. They hold office for three years. They consist of the Comptroller of the State, the State Treasurer, and three citizens at large.

Q. Do these officers make the rules and regulations ?

A. They make rules and regulations for the government of the institution, so far as it does not conflict with the law. The law makes rules for us, as far as designating the duties of the officers. It is the Statute of 1876 with a few amendments.

Q. Does that law define the duties of the respective officers ?

A. Yes, sir.

Q. Does the law also define all matters of discipline, or is that left to the warden ?

A. It is to some extent left to the warden. Of course there are restrictions and rules ; we have not a copy of the rules. We are about formulating a set of rules and regulations.



Q. Who appoints the warden ?

A. By the Governor, for a term of five years, confirmed by the Legislature. In this State we have no such man as warden ; but we call him "Principal Keeper."

#### SURGEON.

Q. Have you a surgeon ?

A. We have a physician of the prison who is appointed by the board of inspectors.

Q. Does the prison surgeon make a daily visit ?

A. Yes, sir. He is not a resident physician.

Q. Does he examine all the prisoners as they arrive ?

A. No, sir. That is done by what we call the advisory clerk, a druggist. He is not a resident officer, but he is here from six in the morning to six at night ; he is appointed by the keeper.

Q. Does he act under the instructions of the physician ?

A. In certain respects, but he really acts under the keeper's direction.

#### CHAPLAIN.

Q. Have you a chaplain ?

A. Yes, sir. A chaplain who is appointed by a commission composed of the Governor, the Chief Justice, and the Attorney-General. I believe they are the commission that appoint the chaplain.

Q. Is the chaplain a resident officer ?

A. No, sir.

Q. Have you a chaplain for the Protestant as well as for the Catholic service ?

A. We have not, as regards the law of the State. The present keeper came here four years ago ; the custom was for a minister, or chaplain, to go to every hall and preach. We have no chaplain. To meet that deficiency, he arranged one of the halls so that he could conduct a Catholic service there, and also a Protestant service.

Q. Who conducts a Catholic service ?

A. A priest from a neighbouring church.

Q. Every Sunday ?

A. Every Sunday morning mass is said. Eight o'clock in the morning is the hour for the Catholic service, and 9.15 is the hour for the Protestant service.

#### APPOINTMENT OF GUARDS, ETC.

Q. Who appoints the guards ?

A. Another appointment made by the Board of Inspectors is that of clerk of the prison ; all other officers, or deputies, or assistants, as we call them here, are appointed by the keeper.

Q. Has he full power to appoint ?

A. He has the power to appoint with the concurrence of the Board of Inspectors. He has the power to dismiss, and there is a recent law, we are not adopting it as yet, which says that he cannot dismiss without the consent of the Board of Directors.

## PUNISHMENTS.

Q. Does your statute law regulate the method of punishment?

A. Yes, sir, to a certain extent.

Q. Have you any by-laws or regulations further defining them?

A. No, sir, a great deal of the punishment is at the discretion of the keeper.

Q. Have you, in addition to punishments, a system of deprivation of privileges?

A. Yes; but no complete system.

Q. I suppose everything that is not at the discretion of the keeper is inserted in the statute law?

A. Yes, sir, that is about it.

Q. Will you kindly state to me what your method of punishment is, commencing first with the lesser offences, either punishments or deprivations, for speaking, or for continued refusal to work, or anything of that kind?

A. In the first place, for instance, when a man comes here, the officer, who is titled as marshal, interviews him, and informs him that under no consideration is he to speak to another prisoner; he is to attend to his business, and not interfere with any other work than that to which he is placed; he is not allowed to look around, and when he goes from his cell at any time into the hall or shop, if he has no work to do, he is to fold his arms and remain with his arms folded until he is placed at work, and he is not allowed to look around at table or in workshop. He is given general directions. If a prisoner looks around, the officer in the shop will take occasion to reprimand him, he has got that privilege. The officer is not obliged to report that man forthwith, but he has the privilege of reprimanding him. Probably he will administer two or three reprimands. In the event of the man continuing to disobey the rule or order, he is brought to the desk in the shop, and the officer writes out a charge to the keeper. I will give you a copy of that charge. (See blank form of report). He writes out the charge, designating the offence, rings the bell which is connected with our centre room, an officer responds and brings the man in from the shop with the written report, to which the shop keeper or officer signs his name. The keeper interviews the prisoner, and reads the charge to him. If he considers the offence is grave enough, he will mete out some punishment; sometimes merely reprimand him, other times compel him to stand in the centre of the building for four, or five, or six hours. You see we work everything from what we call the centre or our main office. They dislike standing there very much, some of them say they would rather go to the dungeon cell than stand there for five or six hours or days. If it is a grave offence, we will place the prisoner in our dungeon cell, or dark cell, place handcuffs on him, and we have chains attached to the wall, three or four links long, and we make them sit on the floor and the handcuffs attached to the chain. We provide that dungeon with a bucket, and we feed him twice a day on bread and water, morning and evening.

Q. Is he committed to the dungeon for a definite period?

No, sir, as long as the keeper desires to keep him there, but he shall not exceed five or six days. I cannot call to mind whether it is five or six days for one offence.

Q. Is that cell quite dark?

A. Yes, sir.

Q. What is the size of the dungeon?

A. We have different dungeons.

Q. How many dungeons have you?

A. We have eight—seven below ground and one above. I should say they were about seven feet long by four and a-half feet wide, and probably sixteen feet high.

Q. Do you ever resort to corporal punishment of any man ?

A. We are not allowed by any law to do so.

Q. I suppose the limit of the dark cell punishment you speak of is fixed by statute ?

A. Yes, sir, the limit of five or six days.

Q. How often are they visited when under punishment ?

A. Twice a day, in the morning and evening.

Q. Does the Doctor go and see them ?

A. No, sir.

Q. Do you ever confine them to their own cells as punishment ?

A. Yes, and generally allow them to remain in their cells, and send them their meals

Q. How long would you keep them there that way ?

A. In that we have unlimited powers as to the length of time. Sometimes we have kept men five or six months.

Q. During bad behaviour ?

A. Yes, sir. For instance we have a man who is obstinate in the shop and refuses to work. We say, You are so anxious to loaf, we will give you the privilege of loafing. We will place him in his cell and not allow him to leave under any consideration, and send his meals to him.

Q. How long have you kept a man there ?

A. Kept them there several months. That is at the discretion of the keeper.

Q. Have you let them out, if they express contrition for the offence committed, and promise to live up to the rules ?

A. It depends on circumstances, as to how grave the offence committed was that caused him to be confined there. Of course it is entirely in the discretion of the keeper. The keeper liberates him, when he considers he has sufficiently punished.

Q. Where do you feed those persons confined to their cells ?

A. Their food is brought up to them ; they get the ordinary rations.

Q. Do they dislike that manner of punishment ?

A. Well, they do eventually ; they like it at first, but afterwards they become demoralized—lonesome.

Q. Is the warden alone charged with the duty of punishing, or is another officer possessed of that right ?

A. No, sir, no other man has the right.

Q. The order of punishment must emanate from the keeper !

A. Yes.

Q. Has he to receive the consent of any higher authority—of the board of inspectors ?

A. No, sir. In one case I think he is obliged to—in the case of ordering a man to be punished further than the six days limit allowed by law ; other than that there is no limit.

Q. In the case of refractory or incorrigible prisoners, who refuse to work or who strike an officer, what is the most severe punishment you award?

A. The most severe punishment we award is this: for instance if a man refuses to work, attempts an insurrection, he is marched into the center. If there are three or four of them, we treat them all differently. If there happen to be a body of about twelve or fourteen, we would march them in from the shop and confine them to their cells, take everything out of their cells, leaving no bed, blankets, or anything at all. There is water always in the cell; outside of that, we take even the stools they have to sit on, and leave them nothing but the bare cell. We then take them out in pairs, or two or three at a time, and put them in punishment; keep them in the dungeon the full limit of the time.

Q. That is five or six days?

A. Yes, sir. First we put them in our dungeon, down stairs, and keep them there three or four days, and then transfer them to the other dungeon, and we make a man stand upright, with his hands above his head, for twelve or fourteen or sixteen hours—hand-cuffed to the ring up above his head—that is the most severe.

Q. And does that generally bring them to subjection?

A. Yes, sir, we have scarcely ever had a case of that kind.

Q. How many cases will you average a year?

A. The most severe punishments we resort to will not average a dozen a year. I am speaking of the severe cases now. After that, we take them out and put a ball chain on their leg—shackle is riveted—and they are obliged to carry that for, perhaps, three or four months, until the keeper is willing to take it off.

Q. What quantity of water is allowed prisoners in the dungeon?

A. The supply of water to the prisoners in the dungeon is limited to a pint and a-half, per day.

Q. Before awarding the punishment, is the prisoner invariably brought before the keeper?

A. Yes, sir.

Q. Is the complaining officer also confronted with him?

A. Not necessarily. We avert that by the officer making out the charge, fully stating the case, and signing his name to it. That is sufficient authority upon which to punish.

Q. Does the Warden enquire into circumstances connected with the offence?

A. Yes, sir, always.

Q. Makes a minute enquiry?

A. Well, he enquires.

Q. Does he satisfy himself?

A. He satisfies himself that the charge is correct. He allows the prisoner to make a defence—listens to him.

Q. In every case?

A. Yes, sir; he will go to the prisoner and say, "You are charged with such an offence; what have you to say about it?"

Q. Has the prisoner the right to appeal to the Inspectors?

A. Yes, sir; he has the right to appeal to the Inspectors, against the punishment



Q. Has he the right to appeal after the punishment?

A. He has the right to make any complaint, and he may complain of the punishment.

Q. I suppose, as a matter of fact, the Inspectors may enquire into the matter?

A. It would be a very rare occurrence. They have the privilege. That would appear by the statute.

Q. Do you keep a record of all the punishments and deprivations?

A. Yes, sir.

Q. Is every prisoner charged in the offence book with what he has committed?

A. Yes, with the offence he has committed.

Q. And is that book examined, or is a copy of it given to the Inspectors?

A. For instance: a man's sentence is within one month of expiration, the Inspectors are presented with the facts of that man's case, as to his behaviour since incarceration. That statement shows all the charges that were made against him. They consider that case, and decide whether the man shall be allowed good time, as we call it, for good behaviour. For bad behaviour, they place a certain number of days—five days is about the limit—for every offence they commit. A man with a five years' sentence has four years, lacking seven days' to serve, providing he behaves himself. If he does not behave himself, we can place the whole of that year and seven months' good time against him for one charge, or we can place it at the rate of five days for each charge.

Q. Is that quite in the discretion of the warden?

A. No, sir; that is in the discretion of the keeper, the moral instructor, and the board of inspectors. That is the fear a man has, that if he commits an offence, it is likely he will lose all his good time.

Q. You consider that a very great incentive to good conduct?

A. It certainly is.

Q. From your experience, do you consider that your system of punishments is sufficiently effective, in all respects, to accomplish all you desire?

A. Yes, sir. There are a few other instances. For instance: for some such offence as passing tobacco, we will cut off a man's supply for two or three months. We issue a certain quantity of tobacco every week.

#### REWARDS.

Q. Besides the system of remissions under the law, have you any other system of rewards for good conduct?

A. Well, no, sir.

Q. Do you give a man any money on leaving?

A. Yes, sir; that is fixed by law. We can give him five dollars; we regulate it according to conduct.

Q. Has a prisoner any interest in the pecuniary result of his labours?

A. No, sir.

Q. Does he get a suit of clothes upon discharge?

A. Yes, sir.



Q. Does your system of remissions apply to short-date prisoners?

A. It applies to all prisoners, from six months up, with the exception of life prisoners.

Q. Do you find it works well with the short-date prisoners?

A. Yes, sir, it is the greatest incentive to short-date prisoners.

Q. Does it affect the recurrent class of criminals equally well?

A. Yes, sir.

Q. Does it make them well behaved in prison?

A. Yes, sir.

Q. Then you would not suggest its being taken away from short-date prisoners?

A. No, sir; we consider it very valuable.

#### TOBACCO.

Q. You give them tobacco; do you allow them to smoke as well as chew?

A. We give them tobacco that can be used as well for smoking as for chewing.

#### DIETARY.

Q. Have you a fixed scale of dietary?

A. No, sir, we change our bill of fare.

Q. Do you limit the quantity of the supply?

A. Yes, sir, we measure it out to them.

Q. Is the bread limited?

A. The bread is unlimited.

Q. All the food is limited, with the exception of the bread?

A. Yes, sir; they get such an amount of bread as they want. We make it ourselves.

Q. Do your prisoners join or dine together, or in their cells?

A. You might say together. There may be 250 of them dine in their cells. We do not dine in the mess hall; we dine them at tables in the corridor, in front of the cell door.

Q. Some of them dine in their cells?

A. Yes, sir, probably 250 of them.

Q. Which system do you consider the best?

A. We far prefer the feeding at table in association.

Q. Would you recommend that in preference to the other system?

A. Yes, sir.

Q. Do you find no attempts at insubordination?

A. No, sir, no more than when in their cells.

Q. Do you conduct the prison upon a rigid principle?

A. Yes, sir.

Q. Do you overlook any offences at all ?

A. Oh yes, we reprimand.

Q. Do you wink at anything ?

A. No, sir ; everything is taken notice of.

Q. Do you reprimand before punishing ?

A. Yes, sir ; we will reprimand, even for turning his head.

Q. Do you find it necessary ?

A. Yes, sir.

Q. What would be the result if you had a flexible system ?

A. We consider it fatal to the discipline of the prison.

Q. Do your officers or guards, as a general thing, report improperly, or is that very rarely done ?

A. It is a rare occurrence ; of course it sometimes occurs.

Q. Have you officious guards who are fond of reporting ?

A. No, sir ; there is not a man here who does not feel for a prisoner, but here is what will occur sometimes : a prisoner will aggravate an officer to some extent and that officer will not be able to do more than reprimand. Necessarily, of course, men are human, and that officer will probably watch that prisoner, and when he detects him in some graver offence, he will report him. It will of course, look as if he was imposing upon him, but of course that is bound to occur.

#### LIBRARY.

Q. Have you a library ?

A. Yes, sir.

#### BATH.

Q. How do you bathe your prisoners ?

A. Once a week.

Q. Do you board your guards in the prison ?

A. No, sir ; only the principal keeper.

Q. What is the size of your cells ?

A. 8 feet long, 5 feet wide, and 7 feet 4 inches high. There is a gas jet in each cell, and they are allowed to read up to a certain hour at night. There is a tap of running water in each cell and a water closet.

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#### INTERVIEW BETWEEN THE COMMISSIONERS AND JOHN M. FOX, WARDEN OF THE NEW YORK COUNTY PENITENTIARY, BLACK- WELL'S ISLAND, N. Y., SEPTEMBER 9TH, 1885.

Q. What is the exact name of your prison ?

A. New York County Penitentiary.

Q. When was it established ?

A. I do not know when it was first occupied, but it was commenced in 1828. Its cell capacity is 800 ; but we have 1,060 prisoners now.

Q. Have you any other penal institutions in connection with the city of New York ?

A. The City prison, that is in New York.

Q. But on the Island ?

A. This is the only institution, with the exception of the workhouse, where disorderly persons are sent.

Q. For what period are prisoners sentenced to your penitentiary ?

A. Females are sent from these counties even for life. They are sent for any length of time.

Q. When were you appointed ?

A. First of January, 1875.

Q. Had you been in the service before that ?

A. No, sir.

Q. For what periods are prisoners sentenced in the penitentiary ?

A. They are sent here for all crimes, that is all serious crimes, from one month up to life, for stealing, burglary and picking pockets.

Q. You are not referring to women ?

A. Yes, sir, they are sent here for periods from one month to life.

Q. With regard to men ?

A. Men are sent here generally from one month up, and now five years is about the extent.

Q. For what period are they sentenced to the workhouse ?

A. They are sent there from ten days up to six months, or perhaps a year.

Q. The Ludlow St. gaol is what you call the common gaol ?

A. Yes, sir.

Q. That is only for prisoners awaiting trial ?

A. Yes, sir, and civil prisoners. United States prisoners are sent there awaiting trial, and State prisoners. City prisoners are sent to the Tombs in New York City. Ludlow St. gaol is not under our department, it is under the sheriff. It is a County gaol in charge of the sheriff.

Q. Then, after they are tried and sentenced, they come to this island ?

A. Yes, sir, to the penitentiary or workhouse.

Q. Now have you any prisoners from the city sentenced to the State prison ?

A. Yes, sir, we have quite a number of them.

Q. What class of prisoners are sent there ?

A. The class of prisoners sent there are generally the younger class.

Q. What are they sent for ?

A. For felonies. We have quite a number of felons here. State prisoners. The more serious offenders are sent to the State prison, and the younger class are often sent here, and the less serious, and we charge the State board for these prisoners, and make out our bill once a year.

Q. What industries do you carry on in the penitentiary ?

A. Well, we make a little of everything for ourselves, such as carriages, wheelbarrows, and do repairs for the different institutions on the island. We make shoes, and tinware of all kinds, and make up clothing.

Q. And build your own buildings ?

A. Put up our own buildings.

Q. You do not manufacture for the purpose of selling ?

A. No, sir, we are prohibited by law from selling anything we manufacture for ourselves.

Q. For yourselves, and for the workhouse and asylum ?

A. All the different institutions under the Commission of Prisons and Charities. We have no contract labour.

Q. Then a certain appropriation is made for your support by the city ?

A. Yes, sir.

Q. You are not credited with what you earn in that way ?

A. We receive no credit whatever. If we charged the city with all we do for ourselves, the workhouse and other prisons, we would be nearly self-sustaining.

Q. What institutions are on the island that you work for ?

A. Our own penitentiary, the Workhouse, the Hospital, the Charity hospital, the Insane asylum, Lunatic asylum, Alms house, City prison, several city prisons, Infants' hospital, Homeopathic hospital and the Bellevue hospital. We do work for all the institutions, and the 9th St. hospital.

Q. What do these places represent in the way of population ?

A. I suppose they represent a population of 12,000 inmates of different kinds. We do some work for all those institutions, and some of them do work for themselves. We supply brooms for them all. We have work enough on hand for a year to come.

Q. What is the name of the board who supervises this penitentiary ?

A. The Department of Charities and Corrections.

Q. Who appoints that board ?

A. That board is appointed by the mayor of the city.

Q. Subject to the approval of anybody ?

A. No, they are appointed directly. The law now has been changed so that the mayor has the appointing power alone.

Q. Does that board frame rules and regulations ?

A. Yes, sir.

Q. For all the prisons and charities

A. For all the institutions.

Q. Do they require to be approved of by higher authority before they take effect ?

A. No, sir, I am governed and directed by that board. They pass resolutions giving me work of different kinds to do. For instance, if they want a waggon made, the board orders that waggon made, and I make it.

Q. Have you a copy of the rules and regulations?

A. I have a copy of some old regulations we have had here sometime. I have the penitentiary rules. There is a little book, but we think of revising it. (*See copy presented to Commissioners*).

Q. Who appoints you?

A. I am appointed by the Board of Commissioners.

Q. And what other officers do they appoint?

A. Well, they appoint the superintendent of the Workhouse, and they appoint the warden of the City Prison.

Q. In your institution?

A. They appoint every person in the institution.

Q. Guards and all?

A. Yes, sir.

Q. They appoint the warden and the whole of the staff?

A. Yes, sir.

Q. Was that always the custom here?

A. That has been the custom ever since I have been here. It was the custom when I came here.

Q. Do you have the power to nominate your keepers?

A. Sometimes they request me to select a person, to raise perhaps from a guard to deputy-keeper. I do recommend frequently for promotion. They frequently ask me to do so.

Q. Have you the power of dismissing any officer under you?

A. I have the power of suspending. I will suspend an officer, perhaps, for misconduct, and I can request his dismissal, and of course it is generally done.

#### SURGEON.

Q. Have you an officer known as the prison surgeon?

A. No, sir; we have the Charity Hospital and they furnish us assistance. The Charity Hospital has a chief of staff, and he has some ten or fifteen young doctors as assistants, and those young doctors are assigned to do this place.

Q. Does the medical staff make an examination of the prisoners when they are received from the city?

A. If I require it. I examine every prisoner that comes here, personally. I examine as to their physical condition. I generally ask them all sorts of questions in reference to their life in the city, and how they happened to get into trouble. If I see a prisoner that is suffering from any disease or complaint, I have the doctor examine him. I enter that in the list, stating that he is to be taken to the doctor. The doctors come here though, and examine prisoners every day.

Q. Does the copy of the rules you have given us show the information you give to each prisoner when he is received?

A. No; I have that on a separate slip.



Q. I see a very excellent rule in your dining-room ?

A. You may write Isaac V. Baker, Jr., Superintendent of State Prisons, Albany, for rules lately published, from the Executive Chamber for prison officers ; approved first September.

#### CHAPLAIN.

Q. Have you a chaplain ?

A. Yes, sir.

Q. He is appointed by the city ?

A. By the board.

Q. How many chaplains ?

A. We have two, a Protestant and a Catholic. They conduct services every Sabbath

#### LIBRARY.

Q. Have you a library ?

A. Yes, sir.

Q. Who takes charge of it ?

A. I select a prisoner to take charge of the library.

#### PUNISHMENTS.

Q. Is your system of punishment authorized and defined by the regulations ?

A. Yes, sir ; the board fixed those regulations a long time ago, and I have not a copy of them.

Q. Will you kindly state what the modes of punishment are, commencing with the lighter ones and working up ?

A. The only punishment I have now, and the only one I have used for years, is to take a dinner away for a simple offence, and a caution to do a little better. There is a copy of the rules we read to the prisoners. (*See copy presented*)

Q. Do you caution them first before you take their dinner away ?

A. Yes, sir.

Q. In every case ?

A. Not in every case. Very often I reprimand them first, and then if they commit an offence after that, I take away their dinner, and then their visits, or not allow them to write to their friends. The next is to lock a prisoner up in a light cell, the ordinary cell, and perhaps keep him there for several days, or a week, on short rations, bread and water.

Q. Is it a light supply of that ?

A. Yes, sir, I give them sometimes about eight ounces of bread to a meal, and as much water as they want.

Q. Twice a day ?

A. Yes, sir.

Q. Do you send them to their own cells in the way you describe for a fixed period, or is it subject to your wish?

A. For an indefinite period, and subject to their conduct there. If they behave there, and seem to be penitent, I take them out in perhaps a day or two, but if they are stubborn I keep them in.

Q. How long would you keep them, if they remained stubborn?

A. I would keep them there a month, perhaps, if stubborn.

Q. And do you remove the bed?

A. No, I leave a cot there. They have no bed except a cot.

Q. Do you visit them sometimes, to see whether they are penitent or not, or do they send for you?

A. They sometimes send for me, and sometimes I go.

Q. And as soon as they express penitence for the offence they have committed, what do you do?

A. Well, if the offence has not been a very serious matter, I let them out. If the offence is very serious, they may have to beg two or three times, or several times.

Q. What next?

A. The next thing is the dark cell.

Q. That is one of the ordinary cells made dark?

A. Made thoroughly dark, and a board on the floor to lie on.

Q. Do you put them there for a fixed period?

A. I do sometimes put them there for twenty-four hours, and take them out at the end of that time.

Q. For instance, if they are quite contumacious, remain stubborn, how long do you keep them there?

A. A week, or ten days, sometimes.

Q. What are they fed on while there?

A. Bread and water.

Q. Do you find that that generally brings them to subjection?

A. Yes, it generally does sir.

Q. Is there any other punishment besides that?

A. The only other punishment I have is a shackle. I shackle a prisoner if he attempts to escape,—leg shackles.

Q. Do they walk around in shackles?

A. Yes, sir, work with them; I send them right out to work; I have not any on now.

Q. Sometimes they will be on for a long time?

A. Sometimes they are on for months, or sometimes until they go out, if the time is not too long.

Q. Do you ever give any corporal punishment ?

A. No, sir, I have directed all the officers and keepers not to touch a prisoner, except in self-defence.

Q. And does the law prohibit the warden from inflicting corporal punishment ?

A. I do not think it does. I think it could be done under the rules and regulations of the department.

Q. Having a large city criminal population as you have, do you think it would be advisable in some instances to have corporal punishment ?

A. I have thought it over a good deal, and I have thought too that it would do good to a great many of these young prisoners. I have thought so, in certain cases.

Q. Before deprivations are made, or punishments are awarded, do you always inquire into the complaint made against the prisoner ?

A. Oh, of course I do.

Q. Do you do it personally ?

A. Yes, sir, personally.

Q. Do you bring the prisoner before you ?

A. I always bring the prisoner and complainant together.

Q. Do you do it for trifling offences ?

A. Yes, sir, always ; I have the person that makes the charge make it before me, and the prisoner has a right to state his case—I give him a chance.

Q. Is the complaint made in writing ?

A. Yes, sir, filed in a book.

Q. You state that the prisoner and complainant are brought before you ?

A. Yes, sir.

Q. And the charge made there as well as in writing ?

A. Yes, sir.

Q. Do you frequently find that the complaints made by the guards are not sustained ?

A. Occasionally. It would be rather a rare thing, but occasionally it would happen.

Q. You find that the majority of them are sustained ?

A. Yes, sir ; but sometimes they are brought before me for punishment, and I investigate the matter and let the prisoner go sometimes.

Q. As a general thing are the guards given to reporting unduly. I mean to say, are they given to reporting where there is no necessity for it ?

A. They do not generally do that ; they are generally pretty careful about it.

Q. Do you ever overlook any offences at all ? You have informed us that you warn and admonish before you punish. Are there any classes of offences you overlook at all, or, in other words, do you wink at anything, or do you govern the prison in a rigid way in that respect ?

A. I generally punish, if there is any good reason for it.

Q. You overlook no offences?

A. No, I do not overlook any offences.

Q. You admonish or punish in every case?

A. Yes, sir.

Q. In the case of your deciding against a guard, when the prisoner has one story and the guard another, do you think that has any bad effect upon the general discipline, or would it make a guard more careful?

A. Make a guard more careful; that is my experience. Certainly, if I think there is any good reason why a prisoner ought not to be punished, I state that to the guard, and it makes them more careful in future.

Q. Do you keep a record of all the deprivations or punishments you have given to prisoners?

A. Yes, sir.

Q. And it is charged up against the prisoner?

A. Yes, sir. It is charged up against the prisoner, but only affects them where they have commutation time to gain.

Q. Does bad conduct take away their good time?

A. Yes, sir.

Q. Is that record of punishments laid before the Board of Commissioners?

A. Yes, sir.

Q. Do they examine into it?

A. A copy of all the punishments is sent to them.

Q. How often do the Commissioners visit the prison?

A. Every few days; some of them most every day; they visit some institution on the Island every day.

Q. Are they a paid board of officers?

A. Yes, sir.

Q. How often do you report to the Inspectors upon the punishments?

A. I report to them generally a number of the offences, etc., every month.

Q. Do you require any authority from the Board before inflicting any punishment?

A. No, sir.

Q. Is that left to your discretion?

A. Entirely.

Q. Keeping a prisoner in a cell—you said you would do it for a month if necessary. What has been your experience in keeping them in? What cases have you had?

A. I have had very few cases where they were stubborn and said they would prefer to remain in their cells, to work. Of course I have had men there six weeks.

Q. And how long have you had them in the dark cell?

A. Four, or five, or six days, I guess, has been about the longest, or perhaps a week?

Q. Does it ever turn out that some of the men are mentally weak who are punished, and cannot comprehend the rules.

A. I am as careful as possible about that. I hate awfully to punish a prisoner of a weak mind, but sometimes there may be a case of that kind. As soon as I find out anything of that kind, I take care of that.

SURGEON.

Q. Does the doctor visit prisoners when under punishment in the dark cell?

A. Certainly, when there is any occasion for it.

Q. When you ask him to do so?

A. Certainly.

Q. But he does not make it a point to do it every day?

A. If there is anything the matter with them. Before a man goes into the dark cell, if he complains to me that he is sick, I have him examined by the doctor before I put him in, if there is any doubt about him, I do not put him in, but if the doctor finds he is playing up or shamming, I take his advice about it.

Q. Then, how do you look after him when he is in? How often is he visited?

A. He is visited in the daytime, about the middle of the day, and in the evening. The night keeper can hear anybody that makes a complaint. He goes by his cell twenty or thirty times a night.

Q. Do you frequently find them noisy in the dark cell?

A. Yes, sir.

Q. What do you do with cases of that kind?

A. I keep them there. I cannot do much with them; that is the great trouble about the cells. They are not really a punishment, and besides they ought to be placed where they knew that all the noise they can make will not disturb anybody, that is the only proper way, and that would be effective.

Q. What is the size of the cells?

A. Seven feet by two and a-half, and six and a-half high.

Q. Do you find that dark-cell punishment on bread and water diet, or ordinary cell confinement on a bread and water diet has any bad effect upon the health of the prisoners if continued very long?

A. I have not found it so.

Q. Has it ever been called to your attention by any of the medical staff?

A. Never.

Q. Your Board does not disapprove of it?

A. No, sir.

Q. From your experience of the results of your system of punishments, does it accomplish all that you aim at?

A. It does, sir.

Q. Or if you had your own way, would you suggest something else?



A. I do not think I would, except the system of building the dark cells. I would have them properly built, and then I think that would be the best punishment.

Q. And you think, in the case of youths, the cat might have a good effect, or corporal punishment?

A. I have thought it would.

Q. Have you a class of prisoners that are coming in and going out,—what would be called recurrent cases?

A. Yes, sir, we have quite a number. We have, I guess, twenty-five per cent. of our prisoners come back again.

Q. Do you find that those recurrent cases are generally pretty well-behaved prisoners?

A. Well, yes.

Q. And are they worse behaved than for the first offence?

A. Well, they are better.

Q. Why is it,—because they understand the rules?

A. They understand the rules, and I think they find it is better to obey. I suppose that is the reason.

Q. Do you let it be well known what your rules are upon entering the prison?

A. They are stated to them. The rules are all read aloud to them and fully explained.

#### REWARDS.

Q. Have you any system of rewards for good conduct, or is a prisoner entitled to earn a remission of a portion of his sentence?

A. No, sir, we have no system of that kind, except the commutation. A year-man receives two months, a two-years' prisoner four months, three-years' prisoners eight months, a four-years' prisoner one year, and a five-years' prisoner seventeen months; after the fourth year, five months is taken off each year.

Q. From your experience, would you recommend that that system be applied to prisoners who are sentenced for less than a year? For instance, if you had six-months' prisoners, would you advise a commutation?

A. I think it would be a good plan, and I would recommend it. I think it would keep them in better discipline. I think it would apply to them the same as to prisoners for ten years.

Q. Would you apply it without reference to the number of times a prisoner has been in the prison?

A. I think I would.

Q. You would treat him as a new man?

A. Oh, of course, I would treat him as if he had never been here.

Q. What effect has the commutation of sentences upon your prisoners?

A. It has a splendid effect.

Q. If you had not that it would be far more difficult for you to govern this prison?

A. I think it would. I think it is a great help, a great assistance to discipline.

Q. Do you give your prisoners tobacco?

A. No, sir, but we let their friends bring it to them, or allow them to purchase it. When I came here, and for several years after I came, the Commissioners furnished one plug of tobacco for each prisoner, a week. That has been taken away.

Q. Why?

A. Well, for the expense. I was very sorry. I had a gang strike when the tobacco was taken away. They had had it from time immemorial. Tobacco had been furnished as regular as clock-work, and it was a very good thing, because a prisoner who did wrong did not get any, he would be deprived of it. All the short-time men were careful to look out for the plug of tobacco.

Q. Do you give prisoners any money on being discharged?

A. State prisoners who commit a felony get \$5.00 and a suit of clothes.

Q. Do you give your other prisoners any money or clothes?

A. No, sir; no provision for it at all; we mend their clothes the best way we can.

Q. They get that without reference to their conduct?

A. Oh yes, sir, they get their own clothes.

Q. A suit of clothes and \$5.00?

A. The State prisoners do.

#### DIETARY.

Q. Have you a fixed scale of dietary?

A. Yes, sir.

Q. Is it week in and week out?

A. We change it sometimes.

Q. Is there any article of food that you do not limit?

A. Vegetables. Of meat they have a certain quantity.

Q. How about bread?

A. We give them a certain quantity, sometimes we vary that too.

Q. I understand you, if they wanted more you would give it to them?

A. We do, but I mean to say, we call for a certain number of ounces for each person. It is fixed in that sense.

Q. But if a man gives you good reason to believe that he wants more?

A. There is always a little left over. If a prisoner says he wants a little more, we give it to him.

Q. Do you feed your prisoners in the cells?

A. No, we feed them all at table, in association, dining room and halls. They never eat in their cells, except under punishment.

Q. Do you find that that can be done without any danger to the discipline of the prison—the eating in association, instead of in the cells?

A. I never had any trouble with it, there may have been a little skirmish, but I have never had any more trouble at the table than anywhere else.

## BATHING.

Q. How do you bathe your prisoners ?

A. We have tubs in winter time, and in the summer time I have a bathing place in the river.

## LIBRARY.

Q. Have you a library ?

A. Yes, sir, they read the books nights, mornings and Sundays, that is a portion of Sunday, after church. On holidays and Saturday afternoons we do not work. We wash the prisoners, change their clothing and everything on Saturday afternoon.

Q. Do you allow them a light in their cells at night ?

A. No, sir.

Q. Can they read from the light in the corridor ?

A. Yes, sir.

## CHAPLAIN.

Q. Have you two chaplains here ?

A. No, sir, only one. The one chapel is used for the two services. The forenoon is used for the Catholic service, and the afternoon for the Protestant.

Q. And the clergymen from the city preach here ?

A. No, sir, they live here on the island. They draw salaries.

## APPOINTMENTS.

Q. About this system of appointing guards, has that been found to be a bad method ? Have you found any difficulty in managing officers that are not appointed by yourself ?

A. Well, I have not had any trouble, from the fact that they know if they do not do right I can suspend them in a moment, and the probability is they will be removed.

Q. When you suspend them, are they almost invariably removed ?

A. Well, it depends upon me whether I will it or not, if the Board ask my advice

Q. Suspension of itself is a punishment ?

A. Yes, sir.

Q. Do the guards board in the prison ?

A. Oh, certainly. One-half of them sleep here and the other half go home.

Q. How many have you ?

A. I have about 10 guards and about 20 deputy-keepers, and about 50 keepers. A guard is a man on the river in a boat.

Q. How many keepers and guards ?

A. Altogether, guards, keepers and deputy-keepers, about 60.

Q. Are the guards all the same ?

A. No, sir, they are graded according to the service. We have three grades, guards, deputy-keepers and keepers, and then we have master mechanics.

Q. Does a man for, say 5 years service, receive the same pay as he receives the first year?

A. Unless he is promoted, or something like that.

Q. What do you pay your guards?

A. \$50.00 a month and board.

Q. The other guards?

A. \$650.00 a year, and the keepers \$800.00 and their board.

Q. And clothing?

A. No, sir, they have to clothe themselves, and furnish themselves with the uniform.

Q. Is your clerk a prisoner?

A. No, sir, he is hired.

Q. What staff have you in your office?

A. A deputy, a clerk, a hall keeper; he is a principal keeper, and steward.

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INTERVIEW BETWEEN THE COMMISSIONERS AND WARDEN A. A. BRUSH, AT SING SING STATES PRISON, SEPTEMBER 10TH, 1885.

Q. What is the exact name of your institution?

A. Sing Sing States Prison.

Q. When was it established?

A. I tried to publish a little sketch of it, which is included in our reports; I will give you one. (*See report presented.*)

Q. When were you appointed?

A. April 1st, 1880.

Q. Have you a board of supervisors?

A. No, sir, the State Superintendent, under a new constitution of the State of New York, appointed by the Governor and confirmed by the Senate for a five years term. His name is Isaac V. Baker, of Comstock, N. Y.

Q. Who frames the by-laws of the institution?

A. The superintendent makes the rules and regulations, or I make them, subject to his approval. The superintendent of prisons frames the general regulations.

Q. And the warden, I suppose, makes all the intermediate regulations?

A. Yes, sir.

Q. Which become law as soon as approved of?

A. Yes, sir.

Q. Have you no local board for the prison?

A. No, sir.

Q. What class of prisoners are committed to your institution ?

A. All felons, none but felons ; no women. This used to be the women's prison of the State, but that was done away with, in '77, I think.

Q. Had you been in the prison service previous to your appointment here ?

A. Not in the prison service. I had been in the United States service 11 years, in the Treasury Department.

Q. From what Courts are your prisoners committed ?

A. From what would generally be termed our County Courts, and the New York City General Session, which takes the place of a County Court.

Q. For what periods are they committed ?

A. From one year to life.

Q. Who appoints you ?

A. The Superintendent of Prisons.

Q. Subject to any approval ?

A. No, sir.

Q. Does he appoint any other officers ?

A. The physician and chaplain.

Q. Who appoints the remainder of the staff ?

A. The clerk is appointed by the Comptroller. I think a very good law too.

Q. And who appoints the remainder of the staff ?

A. The agent and warden, subject to the approval of the General Superintendent of Prisons. I am termed agent and warden. In May, 1828, 600 cells had been completed here, and the City Prisons moved their prisoners here.

Q. What is the capacity of the prison ?

A. About 1,300. With the hospital, we would accommodate a little over 1,300.

Q. How many prisoners have you in ?

A. 1,520.

Q. When the regulations are framed by the superintendent, before they take effect, have they to be approved of by a higher authority ?

A. No, sir, he is the highest authority. They are framed by the agent and warden, and as a rule, I have the superintendent approve of them ; still I issue the lighter appointments any day in reference to the discipline of the prison or the keepers, without his approval.

Q. Have you the power of dismissal ?

A. Yes, sir.

Q. Do you suspend, or do you absolutely dismiss ?

A. The principal keeper suspends. I remove.

Q. Is the principal keeper what would be called the deputy ?

A. He ought to have been called the deputy.



Q. The principal keeper suspends, and you have the absolute power of removal ?

A. Yes, sir.

Q. How many guards have you ? What is your staff ?

A. My staff is, first, a principal keeper, and outside of the superintendent's appointments, a store-keeper, hall-keeper, kitchen-keeper, yard-keeper, forty keepers and thirty guards.

Q. All of whom are appointed by you ?

A. Yes, sir.

Q. The other officers are appointed by the superintendent ?

A. Yes, sir, except the comptroller. There are only three of them.

### INDUSTRIES.

Q. What industries do you carry on ?

A. The manufacture of stoves, boots and shoes, and laundry work.

Q. Are these industries carried on by contract ?

A. Entirely.

Q. Have you any industries carried on by the prison authorities ?

A. No, sir, only repairs.

Q. There is a law in regard to that ?

A. It comes in force as the present contracts expire ; the law forbids any other contract being made.

Q. Is your prison self-sustaining ?

A. Yes, sir. The fiscal year, ending September 30th, 1880, this prison netted to the State \$32,751.00, over all expenses, officers and all. In 1881, \$42,126.94. In 1882, \$48,194.73. In 1883, \$54,018.75 and in 1884, \$63,214.22, and this year it will be over \$73,000.00. And if they would let this contract system alone until I could make known the value of convict labor, I could have made the surplus \$150,000.00 a year. Every contract that we re-made could have been at a largely increased price, but now I could not lease it for anything.

Q. Do you favour the contract system of prison labour ?

A. I have had no experience of any other, except by seeing records. Perhaps I might give you one statistic that might be valuable to you. In 1877, this prison, over all earnings, cost the State \$126,176.09 ; that was the deficit as between receipts and expenditure.

Q. What has repealed the contract system which you say has been so successfully carried out ?

A. The influence of the working men upon legislatures of cities representing States ; the balance of power that they would hold between the two parties would be enough to elect either, if they went with either, according as either party nominated a representative of their union. It is the idea that labouring men have, that prison labour is injuring outside labour.

Q. What will take the place of the contract system ?

A. State account system, probably ; manufacturing on State account, the same as they do at Detroit, or on that principle.

Q. Like any other manufacturers ?

A. The State will manufacture, the same as any other contractors.

Q. Can you manage your prison better with a well devised system of industries, such as you have, than where you are bothered to find proper employment ?

A. Why, it is comparatively easily managed.

Q. Then your industries form an important part of your prison discipline ?

A. Productive labour is an important part in prison discipline and health.

Q. Was it important to continue the present system for those reasons ?

A. For financial reasons.

Q. And also to have effective prison government ?

A. I do not know but what you can get that upon the piece-price plan, but some productive-labour system is necessary in a prison, you must have something that interests the prisoners.

Q. In your opinion, is prison labour an important part of prison discipline ?

A. I approve of the view that I read a short time ago in an old prison report, dated 1880, giving the expression of Howard, the prison philanthropist, that hard labour has more deterring effect upon crime than the death penalty itself.

Q. Have you any by-law, regulating your prison punishments ?

A. No, sir.

Q. Have you a statute law regulating them ?

A. Yes, the statute law forbids any corporal punishments.

Q. Does it give power to introduce other punishments, such as may be approved of by some other authority ?

A. The law creating a superintendent of prisons gives him power to name the punishment in prisons. The Attorney-General, in 1884, decided that that law was no good, for the reasons that there was a special statute which prohibited all corporal punishments. We acted under that law until 1884, and used the paddle and many other modes of punishment, but under the Attorney-General's decision we stopped all punishments, except the dark cell, and this punishment, which you saw to-day, called the handcuff—the handcuffing to a sliding-plank by which the prisoner can be raised by his hands and let down instantaneously.—The handcuff is placed around his wrists and the handcuff-snap to the sliding-plank, and the officer in inflicting the punishment raises the plank in his hands.

Q. Before you resort to the dark cell, do you deprive of certain prison privileges ?

A. Oh, yes ; that would be according to the offence.

Q. For minor offences, do you admonish and deprive of privileges ?

A. Yes, sir.

Q. What offences will bring the prisoner into the dark cell ?

A. Refusal to work, assault upon a fellow-prisoner, or a fellow-convict ; continued violation of any rule of the prison.

Q. Do you punish for attempts to escape?

A. No, a man loses all his good time. We lock him up in the dark cell until we investigate the matter, or lock him up in his own cell.

Q. If a prisoner continues refractory in the dark cell, and is not reduced to subjection, what punishment do you inflict?

A. We use the dark cell punishments for a certain class of offences, or for a certain character of men. We use the handcuff the first time, without the dark cell at all, upon another class of offenders.

Q. When a prisoner remains refractory and incorrigible, even when placed in the dark cell, what punishment do you resort to?

A. Well, we should continue the dark cell.

Q. In what cases would you resort to the sliding handcuff?

A. When men fight and injure one another, or in case of a refusal to work. It would depend upon the character of the man a good deal. The same offence would not bring the same punishment to every man.

Q. You do not go from the dark cell necessarily to the handcuff?

A. No, sir, nor from the handcuff to the dark cell.

Q. In putting a prisoner into the dark cell, do you put him there for a definite period?

A. An indefinite period always;—maybe keep him there an hour.

Q. Under what conditions will you remove him from the dark cell?

A. By his talking right and expressing a willingness to submit, unless it should be for striking a man, or something of that kind, but in the ordinary run of punishments, he might be put in the dark cell, his case examined, and some privilege taken from him. If he comes up and says he is sorry, he will be let out. If he is sullen, he is kept in until he gets over it.

Q. If he did not submit to discipline, how long would you continue the dark cell punishment?

A. Sometimes until the doctor would say it would be injurious to the man. The doctor must visit the dark cell every day.

Q. How long would you keep him in, if approved of by the doctor?

A. Five days, perhaps, would be about the extent. Two days, I think, is as long as we have kept a man in within the last two years.

Q. While in the dark cell, do you limit the dietary?

A. Oh yes, it is bread and water. I think about a quarter of a pound of bread once a day.

Q. Do you confine to the ordinary cell for any offences?

A. Oh yes.

Q. What is the nature of offences you do that for?

A. That is on Sunday mostly.

Q. Do you not confine to the ordinary cells now?

A. Very seldom, except under peculiar circumstances. I have one man now, the first I know of in two years. He struck a man the other day, and he is likely to die. He is shut up in his ordinary cell, for fear he might commit some crime. It is simply detention until we see the result of the blow he gave.

Q. Do you keep a report of all punishments?

A. Yes, sir.

Q. Is it examined by any superior authority?

A. Reported to the superintendent once a week.

Q. Do you keep the same record in regard to deprivation of privileges?

A. No, sir.

Q. Do you report deprivations?

A. Only as far as the principal keeper. They are not often reported to me.

Q. What do you look upon as punishments, and what as deprivations?

A. The punishments are the dark cell and the handcuff.

Q. Do you look upon deprivations as punishments?

A. No, sir, only as a help to discipline, and we make no report of it. The dark cells are constructed with an iron grate door, and about a foot outside of that is a double-board door, the boards about an inch and a-half apart. The boards have holes in them for the purposes of ventilation.

#### REWARDS.

Q. Can prisoners earn a remission of a portion of their sentence?

A. Yes, the one-year man earns two months, the two-years' man four, the three-years' man eight months and the four-years' man one year. For every year afterwards five months a year. That is a question of statute law.

Q. Do you find that has a good effect upon the conduct of prisoners?

A. Oh, yes; it is our discipline, really.

Q. If such a law did not exist would you have great difficulty in governing the prison?

A. Oh, yes; one hundred times greater.

Q. Would you recommend that it should be applied to even short-date prisoners; would you make it applicable to all classes of prisoners, in order to incite to good conduct?

A. Yes, I would.

Q. Would you, even in regard to those that might be called recurrent cases of criminality?

A. I would.

Q. Would you treat every man as a new man?

A. Yes, sir; I have tried to make my officers give every man a new start.

Q. Have you any other rewards for good conduct besides those you have mentioned?

A. No.

Q. Do you give prisoners any pecuniary interest in the results of the prison labour?

A. No.

Q. Do you give them any money upon going out?

A. \$5.32

Q. Do you give them a suit of new clothes?

A. Yes, sir.

Q. Do you give your prisoners tobacco?

A. Yes, sir; chewing, and we allow them to smoke. That is a new thing within two or three months. It works good. Any prison rule that makes a man steal is a bad rule. They will have their pipes of tobacco and smoke, and all creation cannot stop them.

#### DIETARY.

Q. Have you a fixed scale of dietary?

A. No, sir.

Q. Do you limit any article of food?

A. Only in the dark cell.

Q. I mean, do you give them a certain quantity of meat and potatoes?

A. An unlimited supply of bread, of soup, clam-chowder; an unlimited supply of almost anything, except meat.

Q. What amount of solids do you give to a prisoner per day?

A. Our breakfast is  $28\frac{5}{100}$  ounces. It averages 77 to 96 ounces of solid food per day.

#### BATHING.

Q. How often do you bathe prisoners?

A. Once a week. We change their body-clothing once a week. They have not sheets or pillows.

#### RELIGIOUS INSTRUCTIONS.

Q. Have you religious instructions in the prison?

A. Yes, sir; Catholic and Protestant, two separate services every Sunday, at the same time.

Q. Have you a stated chaplain?

A. Yes, sir; he is a Methodist.

Q. Have you a Roman Catholic stated chaplain?

A. No, sir.

Q. Who conducts religious services for the Roman Catholics?

A. The priest of the village.

Q. Have you any other instructions in the prison besides that of a religious character?

A. Yes, sir; evening school.



Q. For what class of prisoners?

A. The entirely ignorant, no others.

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INTERVIEW BETWEEN THE COMMISSIONERS AND AUGUSTUS BOWERS,  
CLERK OF THE ALBANY COUNTY PENITENTIARY.

THURSDAY, September 10th, 1885.

Q. How long have you been here, sir?

A. Since 1848.

Q. What is the exact name of the institution?

A. Albany County Penitentiary. It was established in 1846. John McEwen is superintendent, or what you would call warden. He is unavoidably absent this evening. I am the clerk here.

Q. And you know about methods of discipline, and the management generally, in all its branches?

A. I do.

Q. What is the method of supervision and inspection of the penitentiary?

A. The management of the prison lies with a commission, consisting of the District Attorney, the County Treasurer and one citizen selected by the District-Attorney and the County Treasurer, making three commissioners. Formerly the prison was managed by a board of three inspectors, chosen by the board of supervisors; but last winter the law was changed, and it is now a commission, consisting of those gentlemen.

Q. The officials named by you, are *ex-officio* members of the commission?

A. Yes.

Q. The two officials?

A. Yes.

Q. And has their appointment to be confirmed by any higher authority?

A. No, When the District-Attorney's time is out, and another one is elected, he, by virtue of his office, assumes the position.

Q. I did not know whether these were appointed by virtue of their office, or whether they were commissioners, because they happened to be appointed?

A. The law passed, appoints the District-Attorney.

Q. When was that law passed?

A. Last winter. The statute says, the District-Attorney and the County Treasurer, shall be a commission, with a third person, a citizen to be named by these two; the citizen for the term of five years; so that the citizen holds his office for five years, and the others *ex-officio*.

Q. He could outlive them?

A. Yes.

Q. What is the nature of their work?

A. They direct the superintendent in his management.

Q. In the management and discipline of the prison?

A. No: the management.

Q. Can you lay your hand upon that statute?

A. (See Chap. 261: An Act in relation to the management of the Albany Penitentiary; passed May 11th, 1885.)

Q. Who frames the regulations for the guidance or government of the prison?

A. The regulations for the government of the prison were adopted many years ago, and were framed by the then board of inspectors with the assistance of Mr. Pilsbury, and they have since been adopted all through all the boards, that have been in existence since, and are now in existence.

Q. Can you give us a copy?

A. I can sir. (*See copy presented.*)

Q. What is the character of the penitentiary?

A. The penitentiary was originally erected for the purpose of taking care of the poor vagrants and petty offenders of Albany city and county. That was the original design.

Q. Has it been extended?

A. Yes. Since that time it has been extended to cover State prisoners and United States prisoners.

Q. The State prisoners are of what grade?

A. They are of a grade of five years and less.

Q. And the Federal prisoners, I suppose —?

A. Are of all kinds.

Q. From what courts are the local prisoners received.

A. Police courts and courts of Special Sessions, and courts of Sessions also. The court of Sessions send us the State prisoners. Special Sessions try a certain grade of offences, which are beyond the police magistrate's authority.

Q. What periods are the local prisoners committed for?

A. Three days up to six months; then comes the higher court of Special Sessions.

Q. When I say local prisoners, I mean all the prisoners other than the Federal and the State prisoners?

A. Well, they run from three days up to a year.

Q. What is the cell capacity of the prison?

A. We have some large rooms we use. We could accommodate fourteen hundred prisoners; that is our utmost capacity. In doing so, we usually use associated rooms for some, for short-term prisoners. In case of emergency, we place them in association, instead of in separate cells.

Q. What is the number of prisoners you have in now?

A. Eight hundred and eighty-two men and a hundred and fourteen woman.

## APPOINTMENT OF OFFICERS.

Q. Who appoints the warden ?

A. The commission. Heretofore it has been the board of supervisors.

Q. What other officers does the commission appoint ?

A. No other officers.

Q. Who appoints the other officers, and guards, and employes of the prison ?

A. The superintendent, subject to the approval of the commission.

Q. In whom is vested the power of dismissal ?

A. In the superintendent.

Q. Also subject to approval ?

A. Yes, they are always consulted in that regard. But there is a little thing in regard to that, I might state. An officer for dereliction of duty is discharged at once, without any consultation.

Q. The superintendent takes that responsibility ?

A. Yes ; he always does that.

## INDUSTRIES.

Q. What industries are carried on ?

A. Shoemaking and brushmaking.

Q. Are the women engaged ?

A. They are—making clothing for the prisoners. We used to put them at brush-making, but don't do so now.

Q. Are the industries carried on under the contract system ?

A. Yes.

Q. Is the rate received fixed by contract ?

A. Yes. The rate under contract, for long-term men in the shoe business, is sixty cents a day ; and for short-term men—anything less than one year, I mean by that—thirty-five cents a day. The brush men are also, thirty days to four months, all short terms—twenty-five cents a day.

Q. Has a law been passed abolishing the contract system of labour ?

A. There has been.

Q. What effect will that have upon your prison management ?

A. At the end of the contracts which are now in existence the men will be idle.

Q. Can the prison authorities carry on industries on their own account under the new Act ?

A. No.

Q. Then what will be provided for the employment of prisoners ?

A. There will be no provision. No provision made, so far.

Q. Will it not have a most detrimental and serious effect?

A. Most assuredly. I would rather take care of a hundred men at work than ten men idle. I have been engaged in prison business a good fair lifetime of a man—since 1848—and I think I know pretty well about that.

Q. You receive from the Federal Government payment for maintenance?

A. The State Government pay us one dollar a week, and the Federal Government are not paying us anything. They formerly paid us a dollar a week. We have their labour. Their prisoners are all long-term men.

Q. Is your prison self-sustaining?

A. It is.

Q. Is it more than self-sustaining?

A. Yes.

Q. What was the surplus last year over all expenses?

A. \$9,362.29.

Q. Does that include the money's received from the State for maintenance?

A. Everything.

Q. Are the industries that you name well suited for the class of prisoners that you have?

A. They are peculiarly adapted to their capacity.

Q. Have you many recurring cases of criminality; have you many recommitments?

A. I am sorry to say that we have,—a large number.

Q. Which class of prisoners, the long-date or the short-date prisoners, are the most difficult to deal with?

A. The short-dates are.

#### PUNISHMENTS.

Q. Are the punishments that are meted out to prisoners, defined by regulation, or otherwise?

A. By regulation.

Q. Can you give me a copy of the regulations defining them?

A. They are in the statute law. They are defined by statute.

Q. Will you briefly state to me what the punishments are?

A. Dark solitary cell.

Q. Is there anything else?

A. No other punishment used.

Q. You had the "paddle" here one time?

A. We had.

Q. Was that abandoned?

A. Oh, yes, sir; that has been abandoned two years.

Q. Is the dark cell the most severe punishment—in fact you say it is the only one ?

A. It is the only one.

Q. Is the dark cell the only punishment resorted to ?

A. It is ; and I consider it the most detrimental to a man's health.

Q. Why ?

A. I think it affects the man's brain, as well as breaking down his health. It sows in a man seeds of consumption, without doubt.

Q. You mean repeated commitments to it ?

A. Yes.

Q. Was the paddle more effective ?

A. It was.

Q. And do you consider that that was at all detrimental to health ?

A. Not at all. I think it is perfectly harmless, so far as concerns the health ; and it was effectual. It was but a few moments.

Q. Sharp pain for a while ?

A. Sharp pain for a moment. The paddle, judiciously used, is the most humane punishment that is ever adopted in any prison.

Q. When a prisoner is sent to the dark cell, is he sent for a definite or an indefinite period ?

A. An indefinite period.

Q. Is he put in irons, in the cell ?

A. Sometimes.

Q. What is the nature of that ?

A. Handcuffs, and sometimes he is shackled to the wall.

Q. To a ring ? Is that ring placed above the head ?

A. No ; the ring is placed at the base of the wall.

Q. Is he handcuffed to the ring ?

A. The ring-bolt is placed in the side of the cell, or at the end of the cell, about four inches from the floor, and the shackle of the leg is put on to the right leg, fastened up through the ring-bolt, and then on to the left leg. That is the nature of the irons for the feet ; and then he is handcuffed. There is no ring for the hands. I may say, right here, that that is resorted to very seldom—the ironing ; but we always handcuff them previous to putting them into the cell. When a man is put into the dark cell, he is always handcuffed.

Q. For what periods are they generally put into the dark cell ?

A. For no definite period.

Q. Does it depend upon the prisoner, when he shall come out ?

A. It does.



Q. In every case ?

A. In every case.

Q. About what period are they generally kept in ?

A. Seldom more than twelve hours.

Q. In the case of very refractory prisoners, and those who will not express contrition, do you keep them in until you do bring them to subjection ?

A. Keep them until they promise to obey the rules.

Q. And do they frequently stay in for long periods ?

A. Not frequently. Very infrequently.

Q. Occasionally ?

A. Occasionally they do.

Q. How long would be the longest ?

A. Of recent date, I have known them to stay in ten or twelve days ; but that is very rare.

Q. When in the dark cell, how do you regulate their dietary ; what do they get ?

A. Bread and water.

Q. What quantity ?

A. About a half a pound of bread, and a pint of water during the day.

Q. Are they visited when in the dark cell, and by whom, and how often ?

A. By the deputy ; night and morning.

Q. Are they visited by the physician ?

A. Occasionally.

Q. Not regularly, under the rules ?

A. They are not kept in there long enough to make it necessary.

Q. Have you any limit by statute, in regard to keeping them in ?

A. No limit. The statute says they shall be confined in the dark cell.

Q. Meaning within the discretion of the superintendent ?

A. Yes.

Q. And there is no rule of the board limiting him ?

A. No.

Q. Do you ever confine prisoners to their ordinary cells as a means of punishment ?

A. No, sir.

Q. How many dark cells have you got ?

A. Four.

Q. Are the ordinary cells made dark, or are they in the basement ?

A. They are the ordinary cells, with this exception : they are a foot wider, lined with iron.

Q. What is the size of them?

A. Five by seven, and seven high, with the door placed over the front; it is all iron. There is an iron-grated door, and then an iron door, similar to a safe door, and it is perfectly dark.

Q. And is it ventilated the same as Sing Sing?

A. There are four holes near the bottom of the door, and then there is a ventilator at the top of the cell running to the roof. It is very seldom our four cells are full at one time.

Q. Then you are opposed to the dark cell system?

A. Yes.

Q. And is the warden?

A. I think he is. I know the deputy-superintendent is.

Q. Have you a system of depriving prisoners of privileges, as a means of punishment?

A. Yes.

Q. What is the nature of these deprivations?

A. The privilege of using tobacco, and the privilege of writing to their friends.

Q. Library books?

A. We give them their library books.

Q. Just those two deprivations?

A. Yes. If that is not sufficient, we have recourse to the dark cell.

Q. It seems to have some terror for them, presuming, as I have no doubt is the case, that you have no disturbances?

A. It is very seldom that we have any disturbances. We have never had what you might call a disturbance, in the prison.

Q. And you consider that the discipline is good?

A. Yes, our discipline is good.

Q. Is it governed upon what may be designated, rigid discipline, or is it somewhat elastic?

A. Well, it is pretty rigid; and yet it is not so much so as it was formerly. It is a little eased off from what it was under the Pilsbury regime.

Q. When you say it is eased off, are offences of a light nature, such as speaking, looking around, and lounging, overlooked, or are they taken notice of?

A. They are reprimanded for several times, until that fails to accomplish the object; then, if the man is a tobacco-chewer, we take away his tobacco, and perhaps we may take away his coffee, for instance, in the morning; and if that does no good, he gets the dark cell.

Q. You don't overlook anything?

A. We do not overlook anything. We let men know we see everything. A man is told the rules before he goes into the shop. His attention is on his work, and not about the shop. His business concerns the particular branch he is at work on. All the infor-

mation that he wants in regard to that work, will be given him by the instructor. If he wants anything, he has to hold up his hand, and the keeper will recognize him, and nod his head : then he can leave his bench and come down and make known his wants. If it is to go out to the closet, or get a drink of water, or ask a question, or anything of that kind, he has that privilege ; but there is no communication between the prisoners ; there is no looking about, or gawking around ; but still, if a man slightly casts his eyes up once in a great while, we think nothing of it, and say nothing about it. But if a man makes it a constant thing, to look around and stand about with his eyes on somebody else's work instead of his own, it is noticed the first thing, and he is reprimanded.

Q. Is that reprimand administered by the keeper ?

A. That reprimand is administered by the keeper. If that is not sufficient, he brings him to the desk, and as the deputy passes through the shop, as he does very frequently during the day, his attention is called to this man, and he stops. The man may be reported for looking around the shop, or gawking about ; the guard may say, I have spoken to him two or three times before, and he does not pay any attention. The deputy talks to him pretty seriously, and sends him to his bench, saying, " Don't come before me again." Upon the second time of coming before the deputy, the deputy takes him out and perhaps will put him in the dark cell for three or four hours, and then will go and see him, and if he promises to do right, he will take him out. As soon as a man promises reformation, that ends it. A man lengthens or shortens his own punishment as he thinks proper. I believe the very moment you punish a man, after he says he will do better, you make that man worse. You take a man, and put him in the dark cell, and he says he is sorry and will do better ; but that will not do ; he has not tasted it yet ; he does not know what the punishment is ; he may make up his mind he will go in, and when it comes to the proper time for the deputy to come around, he goes and sees that man. He may have been put in at three o'clock, and the deputy visits him at five o'clock ; and if he says to the deputy, " I acknowledge I am wrong ; I will behave myself ; would you please let me out," he comes out at once.

Q. But still, if a man commits a serious offence. Suppose he strikes an officer, would not you punish him, even after he said he would not do it again ?

A. I don't know about that. That is a pretty serious affair. We have not had that opportunity. I have known of men striking an officer, but I have never known them to repent, and say that they were sorry immediately on going in, or within a few hours. They don't cool down so quickly. But I have known of men who struck an officer, who were in just over night, and were satisfied, and begged to be taken out ; and we took them out, and they never violated a rule afterwards.

Q. Before committing a prisoner to the dark cell, is the offence reported to the superintendent ?

A. It is not, sir.

Q. Who is it reported to ?

A. The deputy-superintendent.

Q. Who is the officer charged with enquiring into the complaint, and awarding the punishment ?

A. The deputy-superintendent.

Q. Is that under the Act, or simply a matter of practice ?

A. That is in the rules of the prison.

Q. An unwritten rule ?

A. It is in the rules and regulations, that he shall have entire charge of the discipline of the prison.

Q. And the same practice prevails at Sing Sing. That duty devolves upon the deputy, by regulation?

A. By regulation.

Q. Why is it not in the hands of the warden?

A. The deputy-superintendent is in immediate contact with every prisoner, and has constant supervision throughout the entire shops, and is held responsible by the warden for the discipline of the prison.

Q. Is there any appeal from the decision of the deputy?

A. Yes. I don't know that there is any appeal; I don't take it in that sense. The deputy, when he has a bad case, very often—not always, I suppose, but he very often goes and talks with the superintendent with regard to it; but taking it in the general acceptation of the term, he has the sole control of it; yet he is under the direction of the superintendent, to a certain extent, of course.

Q. He need not come to the superintendent?

A. No. Here is a little rule, that has been adopted by the superintendent: "Any prisoner, desiring to see the superintendent, mentions it to the keeper, and the superintendent will go and see him, or will send for him."

Q. Have the prisoners the right to complain to any other, than a prison official—the members of the Commission?

A. No.

Q. Do the Commissioners visit them?

A. No, they visit —

Q. But not for the purpose of taking complaints?

A. No.

Q. They would not entertain a complaint?

A. No.

Q. Has the Commission anything to do with the discipline of the prison?

A. No.

Q. Merely the business management?

A. The business management.

Q. Have the Board of State Charities and Corrections the right to enquire into the management, and do they exercise that right?

A. They do not exercise it, and I question their right to do so.

Q. Do you think you have a difficult class here to manage, as compared with other penitentiaries?

A. Sometimes, I do.

Q. Do you think, they are as difficult, as will be found in most places?

A. Yes.

Q. If you had the power, would you alter the means of punishment; and what changes would you suggest?

A. I would most assuredly bring the paddle back, as a means of punishment.

Q. What do you say of the slide handcuff, as adopted in Sing Sing?

A. Well, I do not know, not having the opportunity of seeing its use. I have no doubt that it is very effectual.

Q. Do you think it is injurious to the health?

A. No, I cannot see that it could be.

Q. Did you ever see a prisoner subjected to it?

A. No.

Q. You would not recommend such a punishment as turning the hose on?

A. No, sir; because there are temperaments that cannot stand it, and the men that administer it have no judgment, as a general thing.

Q. And you disapprove of the dark cell system?

A. I do.

Q. Is a record kept of all the punishments awarded?

A. Not every minutæ of the thing.

Q. Is a record kept of the dark cell punishments?

A. Not all of them. If it is a vital thing, of course we do; but if a man is wilful in talking several times, and a reprimand is not sufficient, we put him in the dark cell for a little while, and we don't mention that at all, and it is not charged up against him to cut off his short time, if he is a year man. In the case of what we call bad conduct—fighting, or an attempt at escape, or an attempt to strike an officer, or an instructor, or insolent language, or anything of that kind—we charge that against a man at once.

Q. How do you charge it?

A. Account is kept, and if a man has three charges against him, we shut him off from one year's good time, that is, two months.

Q. Is that authority given by law?

A. Yes.

Q. Is that in the hands of the superintendent?

A. That is in the hands of the superintendent.

Q. Without reference to the Commission?

A. Yes.

Q. Is any return made to the Commission, of the punishments awarded?

A. No.

#### REWARDS.

Q. Have you a system, whereby prisoners can earn a remission of a portion of their sentence, under the law?

A. Yes. That applies to all prisoners, under sentence of one year, and over.

Q. Does it not apply to prisoners under a year?

A. It does not.



Q. In your opinion, do you think, that the application of that system, to short-date prisoners—say, for the period of three months—would have a good effect on the prisoners' conduct?

A. I do not.

Q. Why?

A. From the very fact that men sent for these short terms care very little about it.

Q. Is a large proportion of that class re-commitments?

A. Yes.

Q. Do you think that if they could earn, say, thirty days, or, say, twenty days off a six months' sentence, that it would tend to better conduct on the part of the prisoner?

A. I don't think it.

Q. Nearly two-thirds of your prisoners are under six months?

A. Yes.

Q. If you had the law in your own hands, I understand, that you would not change it, so as to give that reduction to the two-thirds of your prisoners, who are in for short dates?

A. No.

Q. And the reason is, you would have them, anyway. It would only hasten their return into prison?

A. Yes.

Q. You would recommend that they get longer sentences?

A. I would, most assuredly. Now, I want to qualify that, but not on the prison's account, but on the prisoners' account; on their own account, I think, when a man is first sent to prison, if it is, say for a case of petty larceny, for which six months is given, if that man were sent for one year; and if a man for drunkenness were sent for one year instead of six months, I think it would have the effect of causing these two men, the one to stop drinking, and the other to stop stealing, nine times out of ten, to where it does not one at the present time.

Q. You think that short sentence has no deterring effect?

A. It has no effect. They do not feel it. Of course, in the matter of discipline, you find that where men are sentenced to prison, for a term long enough to be put in the shops, where they can be disciplined at all, out of twenty of that class of men, you might not find one that would come back again, where you would find eight, out of the class of men of shorter terms, who were not here long enough to be put into the shops and put under discipline. You will understand that men who are in for short terms do not get into the shops to be properly disciplined; they work outside, where they have a chance to communicate with each other.

Q. So that, in a manner, these prisoners do not know the effect of prison discipline—don't experience the full effect of it?

A. No.

Q. What I would like to get at is, whether or not, for the sake of the prison, it would be better to give them an interest in shortening their time. You think not?

A. I think not.

Q. You can govern the prison as well without it ?

A. Yes.

Q. It would not affect the conduct of the prisoners one way or the other ?

A. I don't think it would a quarter per cent.

Q. What commutations have you ?

A. The same as they are in the States prison ; the first two years, two months, per year ; the third and fourth year is four months, per year ; and every succeeding year is five months, per year.

Q. Take a prisoner of nine or ten months ; another prisoner of a year, where the latter gets his commutation of two months—don't you think it would be fair, other things being equal, to allow the other man to have the same amount off, in proportion ? Do you not think, rather, that there are cases, where it would be hard to refuse it to one, and give it to the other ?

A. Well, you would think, perhaps, it might appear so ; but you have to make a stop somewhere.

Q. You think a year is about the proper point ?

A. Yes. For instance, a man sent to this prison for ten months, he gets no time off. A man sent here the same day for twelve months, he gets out in ten months. Now I will just tell you how that thing is—and it is so, all over this country—this State, at least. Judges sending men to prison know the commutation that these men will earn by good behaviour, and they are sent in accordance with it.

Q. Have you any system of rewards for good conduct, other than a remission of time in the case of prisoners of a year and over ?

A. None whatever.

Q. Do you give them tobacco ?

A. We do : chewing.

Q. And does the prison furnish it ?

A. A portion of it. The contractors furnish the most of it.

Q. What amount is allowed to each ?

A. About two ounces a week—about a plug a week.

Q. Do you find that has a good effect on the conduct of prisoners ?

A. Yes.

Q. Is the taking away of that privilege looked upon as a serious matter by the prisoners ?

A. It is a great punishment.

Q. It aids, then, in maintaining discipline ?

A. Yes. Men would rather go without their meals for a whole day than go without tobacco three hours, I think. I would get more work, if I were trying to get work, for a simple chew of tobacco than I could get for half a dollar. I have been in the shop, having charge of a set of men ; I have carried the staff of the deputy ; I have been acting warden, and know the whole thing all through—have tried it in all its different phases—have tried about everything—have tried the men in about every way that they could be tried ; and I don't know of any one thing in the world that will touch a man so quick as a plug of tobacco.

Q. Is there any other privilege, or any other reward, that you give to good prisoners, except the tobacco?

A. No.

Q. Do you give them clothes when they go out?

A. Yes; only to felons. Felons get a new suit of clothes, and they get money; that depends upon the distance they have to go; three or four dollars in money—sufficient to take them to their place of abode.

Q. Do you find that the prisoners dirty up their cells by giving them tobacco?

A. We do, sometimes; and we take it away from them if they do.

Q. Does that generally have the effect of remedying it?

A. Invariably.

Q. Is there any other reward for good conduct you could suggest for short-date prisoners, other than tobacco? You don't deprive them of their library books?

A. No. I don't think there is any other reward you could name.

#### DIETARY.

Q. Have you a fixed dietary?

A. No; we have not. We change it daily, weekly, and monthly.

Q. Do you limit the quantity of food at each meal?

A. Well, perhaps to a certain extent, we do.

Q. What do you not put a limit to?

A. We give them about three-quarters of a pound of bread at a meal, three times a day; and if they want more, and ask for it, they get it.

Q. Is the meat limited?

A. About half a pound; that is our rule.

Q. Do you think that the adding of a little to the food, and varying it to make it a little better, occasionally, would be a privilege they would prize, and would that produce good conduct in the short-date prisoners?

A. I think it would be one of the most detrimental things for a prison to deal with; because you would find it would work badly in regard to favouritism.

Q. They would expect it again?

A. Yes.

Q. Do you think it would be a further inducement to go to prison, with a certain class?

A. I do not know but it would. We get enough of them as it is. They come here with the commitments in their hands, at this time of year.

Q. Do you feed your prisoners in an associated room, or in the cells?

A. In the cells.

Q. Did you ever try the associated plan?

A. No.

Q. Do you find the feeding in cells a good system?

A. We do. I have seen them in the congregated system, and I don't like it. There is more danger, and it takes more officers and more time.

Q. Have you had any complaints about food, from feeding in the cells?

A. No. I say no, because it would not be once, perhaps, in three years there is any complaint.

Q. Don't you find prisoners make improper complaints—complaints without ground?

A. Well, yes. For instance, a man will say, "I cannot eat that rice." I say, "Why!" he says, "because I never eat it outside." I do not consider that a complaint.

#### RELIGIOUS INSTRUCTION.

Q. Have you a chaplain?

A. We have.

Q. Who appoints him?

A. He is appointed by the superintendent. He is nominated by the superintendent, and approved by the commission.

Q. Is he a resident?

A. No; he is not a resident.

Q. Have you Protestant and Roman Catholic chaplains?

A. Both.

Q. How often is religious service performed?

A. Every Sunday morning.

Q. By both denominations?

A. No. The Catholic service is every second Sunday of the month.

Q. Have you any system of instruction for prisoners, in reference to religious service?

A. Every Sunday afternoon, our short-term men are visited by a little class of teachers. Our short-term men are mostly all Catholics. The teachers come there on Sunday afternoon and teach them the catechism.

Q. How is it with the Protestants?

A. They do not have any. They have the three Sundays in the month. As you know, there are four months of the year in which there are five Sundays. The other four are divided between the Catholics and Protestants; each of them has two; so that divides the time.

Q. Is the same chapel used for both Protestants and Catholics?

A. Yes; the same room for both.

Q. Do you allow Protestant prisoners to go to the Catholic service, in addition to their own, and *vice versa*?

A. We do.

Q. Do you compel them to go to some service?

A. We do.

Q. Do you compel the Protestants to go to the Catholic, and the Catholics to the Protestant?

A. We do not. It is their own free will. They must go to one or the other, or both. They can go to both, if they like; and they do; there are a great many that go to both.

#### LIBRARY.

Q. Have you a library?

A. We have, sir.

Q. Who is it furnished by?

A. It has been furnished, until recently, from the penitentiary funds; but the county treasurer, since appointed, has taken it in his hands to solicit subscriptions outside, and he has got about two or three hundred dollars to be laid out for books.

Q. When do prisoners read their library books?

A. Evenings, and Sundays.

Q. By what light?

A. They have lights in the corridor, which reflect into the cells; and the long-term men—three to five years and upwards—have lamps in their cells.

#### BATHING AND CLOTHING.

Q. What facilities have you for bathing?

A. Bathe once a week. We have a bathroom with twenty tubs.

Q. How often do you change the clothing?

A. Once a week.

#### BUCKETS, WATER SUPPLY, ETC.

Q. Do you use buckets?

A. Yes. Those are taken out by the men when they go out of their cells in the morning, and they set them down—the short-term men, they empty them and take them to the hydrant, and they are washed out every morning, and a little chloride of lime put in every day.

Q. Have you water in the cells?

A. We have not.

Q. They are allowed a bucket of water?

A. We have a water-bucket—what we call a water-kid—and a water-pail for washing—to wash their feet in, or wash as they like; and we have a wash-basin and towel, and a glass. The towel is changed once a week.

Q. Have you any more difficulty with the long-term men, than the short-term men?

A. We have not.

Q. You consider the short-term men are as easily managed as the others?

A. The long-term men are easier to manage, as a general thing. The best man we have to manage is a man here for life. These are the best prisoners that ever are in a prison. They are just like this—they are behaving themselves for the purpose of making friends; but you let them see a point, and they are going to take it.



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INTERVIEW BETWEEN THE COMMISSIONERS AND MR. J. S. LANEHART  
AGENT AND WARDEN OF THE AUBURN STATE PRISON, AT AUBURN  
N. Y., SEPTEMBER 11TH, 1885.

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Q. What is the corporate name of your prison ?

A. The Auburn State Prison.

Q. When was it established ?

A. It was commenced in 1816. It is the oldest prison in the State.

Q. When were you appointed ?

A. November 1st, 1882.

Q. Were you in the prison service at all before that ?

A. Yes, sir. I had been clerk of the prison four years.

Q. What number of prisoners can you accommodate ?

A. We can provide cells for about 1,400. We have 884 now. We have no women. The female prisoners for the 8th judicial district, I think, are sent to Buffalo, and the 7th district to Rochester and Syracuse. There was a law some years ago, saying that all female prisoners were to be sent to the penitentiary.

Q. Your prison is exclusively a State Prison ?

A. Yes, sir.

Q. What district of the country do you serve ; have you a certain county ?

A. Yes.

Q. May you receive prisoners from the city of New York ?

A. No, sir, that is the Sing Sing district.

Q. From what district do you draw your prisoners ?

A. From Herkimer county to Buffalo, and we also receive transfers from Sing Sing, also a few United States prisoners.

Q. For what periods are your prisoners sentenced to this prison ?

A. From one year to life. No prisoners under one year.

Q. What courts sentence to your prison ?

A. County Courts and Courts of Oyer and Terminer.

Q. Under what governmental supervision is the prison ?

A. It is directly under State Government, subject to the supervision of an officer, known as the Superintendent of States Prisons, who is appointed by the Governor, and confirmed by the Senate.

Q. Is that officer charged with the duty of making regulations for the prison ?

A. Yes.

Q. When these regulations are made, have they to be approved of by any superior officer, or by the Governor ?

A. No, sir.

Q. There is no board ?

A. No board.

Q. Who appoints you ?

A. The superintendent.

Q. Then, does he appoint any other officers ?

A. Yes, sir. He appoints me ; I am termed the agent and warden, and he appoints the chaplain and the physician ; they are appointed during the pleasure of the superintendent, and can be removed at any time. The clerk is appointed by the comptroller of the State ; all the other officers and employés of the prison are appointed by the warden.

Q. Subject to any approval ?

A. No, sir. When I say no, there is really none, still we always consult. I might say, subject, nominally, to the approval of the superintendent.

Q. Have you also the authority to dismiss ?

A. All my appointees.

Q. What would be the effect, if the State appointed the employés that you now appoint ?

A. Previous to 1877, such appointments were in the hands of a board of inspectors, who were elected by the people, and the political party in power had the appointments, and of course they made the changes. There were two republicans elected, and one democrat. Of course when the republicans were in power, they appointed of their own faith. The next party in power would be a democrat, and every man was turned out, and a new class of men brought in, political workers or adherents of the other party.

Q. Did that injuriously affect the working of the prison ?

A. It did.

Q. What is the system now ?

A. The system now is just as I have named. There is a supreme head of the prison of the State, and he appoints the three officers, and the warden appoints the others, and he is held responsible. That is all provided for by the constitution.

Q. Under the constitution, since 1877, the warden has had the appointment of all the subordinate officers, except those named by you as being appointed by the superintendent, and the comptroller ?

A. Yes, sir, and the warden has the dismissal, and that is of itself a very important matter. There is no jarring, and no questions asked.

Q. How often is your institution inspected by the superintendent ?

A. Monthly.

Q. Does that superintendent direct you in points of discipline, or only in general management ?

A. General management.

Q. You are entirely responsible for the discipline of the prison ?

A. Yes, sir.

Q. Does the superintendent hear complaints from the prisoners ?

A. Yes, sir.

Q. Of all descriptions ?

A. Of all kinds.

Q. Does he take action upon such as he considers necessary ?

A. I suppose he does, but he never had a case of the kind yet. Of course any convict can see the superintendent, if he asks. The Governor came very recently, he was here a few days ago, and he saw quite a number. On Friday of each week, I hear complaints from prisoners, that is, every prisoner is allowed to see the agent, and the officer has no right to ask him why. The reason of that is, if there is any complaint against an officer, it can come to me without the officer knowing the fact.

## INDUSTRIES.

Q. What industries are carried on in the prison ?

A. We have a contract for horse-collars, hames, and shoe-making. The collar contract has about two and a-half years to run, the hame contract expires on the 20th of this month, and the shoe business is carried on by State account. We are going to abolish all contracts, and those are only in force that were in existence at the time the law was passed. We had a national contract that employed 265 men. The hollow-ware contract that employed 210 men, expired last September. The shoe contract expired on the 8th of last October, and the State bought the plant, and are going on with the business.

Q. Have you trouble now in finding employment for your men ?

A. Yes sir, one of our greatest troubles.

Q. And is it going to be still greater trouble when they all fall out ?

A. Of course, we will have to enlarge the State account system.

Q. Will you briefly explain what is called manufacturing on State account ?

A. The State furnishes the money, employs instructors and foremen, and sells the goods and collects for them.

Q. The State in fact becomes the manufacturer ?

A. Yes, sir.

Q. And deals with the merchants ?

A. Sells the wares, the same as any individual. We will absolutely be the contractor.

Q. The State goes into competition with Smith, Jones, and everybody else ? Do you consider that an improvement upon the contract system ?

A. I do.

Q. Do you think it will produce severe competition ?

A. Oh, no.

Q. Do you sell for the market value, or sell for what you can get

A. We are selling for market value. For market goods we are getting more money than outsiders. We are fully up to the mark, our object is to make money out of it.

Q. What were the financial results of your operations last year ?

A. There was a surplus of \$10,000.00, after paying all the expenses, including salaries, or wages.

Q. I forgot to ask you, have you a copy of the by-laws, and regulations?

A. Yes, sir. (*See copy presented.*)

Q. What effect do you think it will have on the discipline of the prison, the fact of the contracts expiring?

A. To have men idle?

Q. Yes.

A. It will have a bad effect. Labor is discipline.

#### PUNISHMENTS.

Q. Is your method of punishment defined by law?

A. Yes, sir.

Q. What law?

A. Solitary confinement.

Q. But can you designate the title of the law; is it by statute?

A. Yes, by statute. You will find it in the Statute of '78. The law provides for confinement to the dark cell.

Q. Does it say, that shall be the only punishment?

A. Yes, sir.

Q. What was the nature of punishment previous to that?

A. The punishments abolished were what were commonly known, as the shower bath, the crucifix, or yoke and buck. The buck was a heavy machine they had on their hands.

Q. Was the paddle then in existence?

A. No, sir, afterwards they adopted the paddle.

Q. Was the paddle in use prior to the new law taking effect, or did the paddle take the place of punishments abolished?

A. Yes.

Q. Is the paddle now abolished by law?

A. Not by law, but by the recommendation of the superintendent.

Q. Is the actual punishment of prisoners now, the confining of them to the dark cell?

A. Yes, sir.

Q. Are confinements to the dark cell for definite periods, or indefinite periods?

A. Unless they promise obedience.

Q. How long do you keep them in, if they remain incorrigible?

A. The law says until they obey.

Q. Do you think the indefinite character of the sentence, to dark-cell punishment, is better than if it were for a definite period?

A. Yes, sir.

Q. Can you state very briefly your reasons?

A. Under our rules, obedience is all we ask of a man. When a man violates that rule, of course he is liable to punishment. No keeper of any State Prison shall inflict any blow whatever upon a convict, unless in his defence, or to suppress a revolt or insurrection. If, in the opinion of the warden of such prison, it shall be deemed necessary in any case to inflict unusual punishment, in order to produce the entire submission or obedience of any convict, it will be the duty of such warden to confine such convict immediately to his cell, upon a short ration, and to retain therein, until he shall be reduced to submission and obedience. The short allowance to each convict so confined shall be prescribed by the physician, whose duty it shall be to visit such convict and examine daily into the state of his health, until the convict be released from solitary confinement and return to his labor.

Q. You say they are sentenced for an indefinite period

A. Yes, sir.

Q. And you state your preference for the indefinite, over the definite?

A. It is the law.

Q. Apart from the law, you say, you believe in the indefinite sentence?

A. Yes, sir. It would be injustice to the criminal, to keep him there after he promised obedience. When he says he will obey, that is the end.

Q. Say that a prisoner struck a guard, which, I suppose, you look upon as a serious offence, would you not punish for that offence?

A. Certainly.

Q. If, in ten minutes after he went in, he would say, I am sorry for having struck that officer, and I will not do it again, what would you do?

A. Take off a portion of his good time.

Q. Do you look upon that as the most effective punishment of all?

A. Oh, yes.

Q. Is that the greatest incentive to good conduct?

A. The loss of their commutation, yes. The prison laws of the State of New York are compiled through the Prison Association of New York. I do not know that you could get a copy of this book. It is a book published at Albany by Weed & Co., 1857, entitled, "Rules and regulations for the Government, and discipline of the State Prisons for the State of New York."

Q. Do you confine prisoners to the ordinary cell for an offence, without the dark cell punishment?

A. Yes, sir.

Q. For what offences do you do that?

A. For slight offences.

Q. Such as—?

A. Breaking the rules of the shop.

Q. Talking?

A. For talking, we do not punish very much, it is impossible to do it.



Q. How long do you confine a prisoner to his ordinary cell ?

A. Oh, sometimes a day, and sometimes two days.

Q. Can you do so for a week ?

A. No, sir, that would take him to the dark cell.

Q. When you go as far as that, you go to the dark cell ?

Yes, sir.

Q. When you confine to the ordinary cell, do you give bread and water ?

A. Yes, sir.

Q. What quantity of food does he get when under punishment in the dark cell ?

A. That is prescribed by the physician.

Q. As a matter of fact, about what is the quantity ?

A. Oh, about four ounces a day.

Q. And an unlimited quantity of water ?

A. One gill of water. That is a matter that is entirely in the hands of the physician. I have no control over that.

Q. But his release is in your hands ?

A. In the hands of the principal keeper.

Q. What is your experience as to the length of time of confinement to the dark cell ; what forms an extreme case ?

A. You scarcely ever have a man ten days ; that would be unusual, say three or four days.

Q. When he is there, do you put on leg-irons or handcuffs ?

A. No, sir.

Q. Do you give him a bed ?

A. No, sir ; he sleeps on a blanket.

Q. If a very refractory prisoner was confined there for six or eight days, would he ever be taken out, or would the confinement be continuous ?

A. It would be continuous until he obeyed, unless he was taken out by the doctor's advice. The doctor can remove him at any time he thinks it is injurious to his health.

Q. Have you any system of deprivations, as a means of punishment,—depriving of food, or of a library book ?

A. We sometimes deprive him of writing, but that is very rare.

Q. Do you use tobacco ?

A. They are deprived of tobacco, while under punishment in the dark cell.

Q. Do you deprive them of tobacco on any other occasion ?

A. No.

Q. In your opinion, is the dark cell punishment, an effective way of bringing the prisoner to submission ?

A. Yes, sir ; but the paddle is better, it does not injure the prisoner. The dark cell injures both body and mind. The only objection that those people raised to the paddle was, that it is degrading to the man. When the paddle was in use here, it was from five to ten strokes ; a sharp, quick, and decisive punishment.

Q. Did it generally bring them to subjection ?

A. Yes, sir ; but our principal keeper had a peculiar way of doing it ; he would give a man a blow, and stop and talk to him, and then give him another one. Perhaps, at the expiration of five minutes he would have five blows, and the prisoner would have about all he wanted.

Q. Do your guards make reports in writing of offences committed by prisoners ?

A. Yes, sir.

Q. When a report is received and wants a punishment, what officer enquires into it, if any ?

A. The principal keeper, who is the deputy-warden.

Q. Does he bring the prisoner before him ?

A. In all cases.

Q. Is he confronted by the complaining officer ?

A. No, sir.

Q. He takes the statement of the complaining officer as being true ?

A. Yes, sir.

Q. In making enquiry, does he direct corroborative evidence at all ?

A. Yes, sir, if he has any doubt.

Q. And is the deputy-warden charged with the duty of inflicting punishment, instead of yourself ?

A. Yes, sir, that is the law, it relieves the agent of that. The agent and warden is the financial person of the prison. There were two officers originally, an agent and a warden. The warden had charge of the discipline, and the agent was the principal officer. There was more or less conflict between those two officers, and the law abolished the office of warden, and gave entire control of the prison to the agent and warden. That was the designation of the officer, "Agent and Warden." Then they named a principal keeper, who takes the place of the warden, but he is under the direction now of the agent and warden exclusively. Previous to that, he was under the control of the agent.

Q. Is the deputy-warden constantly in contact with the prisoners ?

A. Yes, sir.

Q. Can he award punishment without any reference to you ?

A. Yes, sir.

Q. Is there any appeal from his decision ? Say that the prisoner was sent to the dark-cell for some offence, and the prisoner stated he wanted to see the warden, what would be done ?

A. He would probably refuse.

Q. Do you keep a record of all punishments given to prisoners?

A. The principal keeper does.

Q. Are they charged up against the prisoner, and is the prisoner's prison conduct shown in any synoptical way?

A. It is all in the principal keeper's books.

Q. Is that book open to the inspection of the superintendent?

A. Yes, sir.

Q. As all the other books are, I suppose?

A. Yes, sir.

Q. Do you make a report of those punishments?

A. Make a report every week, to the superintendent, of what punishments are inflicted.

Q. From your observations and experience, what means of punishment would you suggest as being the most effective, that you know of?

A. The solitary cell is the most severe punishment, but I think the paddle was more effective. For violation of rules, the paddle, properly used, is the most effective punishment.

Q. Do you consider the method of punishment that you have, effective for disciplinary purposes?

A. Yes, sir.

Q. And would you suggest any alteration?

A. Except the solitary cell confinement at work. I would suggest that there be a means of solitary confinement of a man at hard labour, separating himself from his fellows.

Q. How many dark cells have you?

A. Five.

Q. Are they in the basement, or are they ordinary cells, darkened?

A. They are larger than the ordinary cells; they are not in the tier of cells; they are out in the yard, separate. They are ventilated, but the ventilation is not first-rate.

#### REWARDS.

Q. Have you a law, or regulation, by which a prisoner can earn a remission of a portion of his sentence

A. Yes, sir.

Q. Does it apply to prisoners of under a year's sentence?

A. We have no sentences under a year.

Q. To what class of prisoners does it apply

A. To all, except life men.

Q. What is the remission ?

A. First year, two months ; second year, four months ; fifth year, five months ; and all other years, five months. That is the statute law of the State, passed in 1874.

Q. Do you look upon that as being a great incentive to good conduct of prisoners ?

A. Yes, sir.

Q. What effect would it have, in your opinion, upon the discipline of the prison were it abolished ?

A. A very injurious effect.

Q. Would it give you, as warden, a great deal more trouble ?

A. Yes, sir.

Q. Which do you find to be the best behaved prisoners, short-date or long-date men

A. Our life-men are about as good men as we have here.

Q. They are the easiest managed ?

A. No, not entirely so ; we have sixty or seventy life-men ; they are not really bad men ; they are men who commit murder upon the spur of the moment ; in five minutes after, they would give the world if they could recall the blow. Another incentive to good behaviour is that prisoners know that, if their conduct is good, an examination is likely to be made to see if there are no mitigating circumstances, or if the Judge has not made the sentence too long.

Q. Supposing there were mitigating circumstances enough to convince the Governor the man ought to be pardoned, and yet your report was that the man's conduct had not been good ?

A. That would have an influence on the Governor's mind.

Q. Do you give prisoners any money upon leaving the prison ?

A. Yes, sir ; \$4, and five cents a mile to the place of conviction, and a good suit of clothes.

Q. Do you give prisoners tobacco ?

Yes, sir.

Q. Do they smoke or chew ?

A. Chew.

Q. Do you give them clothes, no matter what their record is ?

A. Yes, sir.

Q. And money ?

A. And money. We send them out with money enough to pay a week's board.

Q. Do you give clothes to the one-year man, as well as to the twenty-years' man ?

A. Yes, sir ; every man is entitled to a new suit of clothes when he goes out, and \$4 in money, and his mileage to his place of conviction.

## DIETARY.

Q. Have you a fixed prison dietary in regard to certain kinds of food, or is it changed to the season?

A. In the matter of vegetables, when we can get vegetables, we have them. On Monday, corned beef; Tuesday, pork and beef; Wednesday, fresh beef; Thursday, beef-steak, fried; Friday, cod, or fresh fish; Saturday, fresh beef. Then we give them, on Monday, soup, bread and potatoes, in addition to their meat; Tuesday, pork, without vegetables; Wednesday, we give them soup, potatoes, and vegetables of the season, if we can get them; Thursday, no soup—they get their beefsteak, bread and potatoes; Friday, they get fish, potatoes, sometimes sliced potatoes, and sometimes whole potatoes; Saturday, beef and potatoes.

Q. Do you give them meat for breakfast?

A. Yes, sir; every morning.

What is the tea composed of?

A. Bread and coffee, and bread and water. Speaking of meat for breakfast, perhaps that requires a little explanation. It is hash. They have hash 365 mornings in the year. It is an acceptable breakfast to nearly all.

Q. Do you limit the supply of bread?

A. No, sir; they have all they want.

Q. Do you limit the meat?

A. We give them a good, fair-sized piece of meat.

Q. You do not give them a second helping?

A. No, sir; not unless a prisoner is a very large eater, and then we would provide for that by putting more on his plate.

Q. Do you receive complaints in regard to the food?

A. No, sir; not in this prison. A week ago, the cook got hold of the wrong meat to make hash, and it was somewhat sour, and the prisoners made a row; of course, these things will always happen in every prison.

Q. Is your meat furnished under contract.

A. Yes, sir. Our bread is baked here.

## BATHING.

Q. How often do you bathe the prisoners?

A. Once a week.

Q. What is the manner of bathing?

A. We have a bath-house, containing 26 bath tubs, hot and cold water. We have no shower baths.

Q. How often do you change their underclothing?

A. Once a week.



## RELIGIOUS INSTRUCTIONS.

Q. How many chaplains have you ?

A. One.

Q. Is he a Protestant or Roman Catholic ?

A. Protestant.

Q. How do you provide for the religious services for the Catholics ?

A. The State allows \$500 a year for the salary of the Catholic priest. He comes here at half-past seven, and dismisses his congregation at half-past eight. He has an hour's service Sunday morning.

Q. Mass is performed ?

A. Yes, sir.

Q. What is the duty performed by the regular chaplain ?

A. He conducts a regular service at nine o'clock Sunday morning.

Q. Do the Roman Catholics attend that service ?

A. Yes, sir.

Q. Are they compelled to ?

A. No, sir.

Q. Have you any other means of instruction besides religious services ?

A. We have night school, four nights in the week.

Q. What class of prisoners attend the school ?

A. We teach them to read and write. It is only the illiterate that attend. The chaplain takes charge of all the letters, and examines them. They are sent to his office, and all the letters that are written by the prisoners, go through the chaplain's hands.

## LIBRARY.

Q. Have you a library ?

A. Yes, sir.

Q. Furnished by the State ?

A. Yes, sir.

Q. Do the prisoners avail themselves of it regularly ?

A. Yes, sir.

Q. Do they consider it a great privilege ?

A. They consider it a privilege. Perhaps, not so much now as they did sometime ago. About a year ago, I allowed the prisoners to have the newspapers.

Q. How long do you keep a light for them in the hall, or cells ?

A. Nine o'clock.

## SURGEON.

Q. Is the surgeon of the prison a resident officer, or does he make professional visits daily?

A. He resides in the city, but he only performs duty in the prison. His duties are confined to the prison, and it is his duty to be here.

Q. Does he examine all the prisoners, when first received?

A. Yes, sir.

Q. Their bodily and mental condition?

A. Perhaps you could get a better idea from the doctor than from me.

Q. What hour does he come in the morning?

A. About eight o'clock. All our prisoners dine in association.

Q. Do you find it a pretty safe plan?

A. Always; we have no trouble.

## BUCKETS.

Q. Do you use buckets?

A. Yes, sir.

Q. Are they disinfected?

A. Every day; we have a system, rinsing the buckets every morning, with a heavy body of water, then we air them in the sun and disinfect them.

Q. On Sunday, are your prisoners kept in the cells, except when they are at service?

A. They are marched out in the morning to empty the buckets for cleaning purposes, and marched into the dining-room, for their breakfast, and then they march back to their cells; and then the Catholics, or those who desire to attend Catholic service, do so, and at nine o'clock, all the prisoners are marched into the chapel, all those who desire to go, and they all go. Once in a while, we take them out on the green, and let them air.

Q. Are the buckets in the cell?

A. From that time until the morning.

Q. How is the water served in the cells,—in piggins?

A. No; there is no water allowed in the cell, except for drinking purposes; that is served in a cup by waiters. The size of our ordinary cell is three feet six inches by seven feet, and seven feet high. The punishment cells are a trifle larger.

Q. Do you allow prisoners to decorate their cells?

A. Yes, sir.

Q. But, when the cleaning time comes around, what do you do?

A. We take them down, and, occasionally, we put them back; we put them in shape for them to put back themselves.

Q. How long do you give the prisoners to take their dinner?

A. Plenty of time, about twenty minutes.

Q. Are all the guards in the room, when they are at dinner?

A. Yes, sir.

Q. When do the guards get their dinner?

A. Before and after the prisoners get theirs. They have stated times.

Q. Do your guards sleep in the prison?

A. No, sir; only about a dozen. We do not furnish any of the guards with meals.

Q. Do you consider that a bad plan, boarding the guards?

A. Yes, sir.

Q. Why?

A. The guards come here at six o'clock in the morning, and they remain here until six or half-past five in the afternoon. The men are better fitted for duty that can have a night out and away from the prison than they can by being constantly confined here.

Q. And I suppose it saves a good deal of trouble?

A. Yes, sir. We have a certain number of guards for night duty.

Q. Have you an hospital in the prison?

A. Yes, sir.

Q. Is it isolated from the prison, or does it form a part of it?

A. It forms a part of the prison; it is in the upper part of the main building.

Q. Do you think that is better than an isolated hospital in the yard, in point of convenience?

A. We think it is, in point of convenience.

Q. Do you feel that the sanitary results are as good as would be in an outside place?

A. Yes, sir.

Q. Is the physician the only medical man of the prison?

A. Yes, sir; he is assisted by a convict who was selected, because he is a doctor, or a chemist, and has a knowledge of dispensing. He acts under the orders of the doctor.

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INTERVIEW BETWEEN THE COMMISSIONERS AND T. R. BROCKWAY,  
GENERAL SUPERINTENDENT OF THE NEW YORK STATE REFORM-  
ATORY, AT ELMIRA, SEPTEMBER 11TH, 1885.

Q. What is the statutory name of your institution?

A. New York State Reformatory, at Elmira.

Q. When was it established?

A. In 1876. The process of building had been going on for some time previous to that. The bill was passed in 1876. I was appointed in May, 1876. I am designated, general superintendent.

Q. What supervisory powers, by way of board or otherwise, have you?

A. We have a board of managers, appointed by the Governor and Senate,—originally appointed for different terms, the longest term being five years,—and the principle of rotation is subsequently maintained by the appointment of one member every year. They may be re-elected, or re-appointed.

Q. Are the duties of the board regulated by by-law?

A. Yes, not in detail.

Q. Can you give them to me in a synoptical way?

A. Well, they are the legal custodians of the prisoners; they have the right to make rules and regulations; they have the appointing of the general superintendent, and the fixing of the salaries of all the officers, the general superintendent having the power of appointment and dismissal, without regard to the board, of all the officers of the institution, including surgeon, chaplain and all. That bill was passed in 1876.

Q. How often does that board meet?

A. They meet monthly as a board of audit, and they meet quarterly as a parole court for the release of prisoners. Those are the regular meetings; of course they have special meetings as exigency requires.

Q. In addition to that board, have you any governmental inspection?

A. The Board of Charities have a statutory right of inspection, with power of recommendation, but no supervision or executive authority.

Q. Has the superintendent of State prisons any authority over the institution?

A. No, he has not.

Q. Will you just tell me what class of prisoners are committed to your institution, and how they are committed?

A. Felons—first offenders in felony; they may have been convicted of misdemeanors previously; that does not debar them from coming here. They are sentenced by courts of record. It is quite in the discretion of the court to sentence them, if they are within the age, and are first offenders. The ages are between sixteen and thirty; not over that.

Q. Or he may be here for a felony, after a misdemeanor?

A. Yes, sir. In that connection it has been adopted to give full information about it; that authority is granted the managers, under the law, to transfer certain classes of prisoners, having previously obtained the consent of the superintendent of prisons. In that category is included prisoners who have been ascertained, subsequent to their commitment here, to have been previously convicted of a felony, so that consecutively we hold that it is quite optional with us to transfer a man who has been previously convicted, though the organic statute provides that only those shall be sent here who are convicted of a first offence in felony, so that will account for the fact that we have a few prisoners who have been previously convicted, and have served terms in State prisons. That whole category, I believe, includes persons over age, persons having been previously convicted of felony, and persons apparently incorrigible, whose presence in the reformatory is deemed prejudicial to the whole population. Such classes of prisoners may be transferred to the State prisons.

Q. If an incorrigible prisoner was sent to the reformatory, upon a full knowledge of the facts having come to the Court, have you the power of having him sent away from the reformatory to another institution?

A. We have a right to send him to a State prison; it is discretionary with the board.



Q. Then your prisoners are by no means selected prisoners, except in point of age, and first felony offences?

A. I do not think it is exactly so. I think the Courts intend to exercise a wise discretion about it.

Q. Are the prisoners, in any sense, selected prisoners who are eligible for commitment to the reformatory?

A. Well, I would say, yes. It is discretionary with the Courts to send them here, or to the State prison for the offence for which they are committed. They naturally send to us men they deem susceptible to improvement.

Q. Can a person be sent for a second misdemeanour?

A. Only when under the statute it constitutes a felony.

Q. Please state how they are committed—the duration of the commitment?

A. They are simply committed to the reformatory at Elmira, the Court neither determining nor naming the period of detention. The length of time they may be detained is limited, however, by the general provision that necessitates the discharge of a man at the expiration of the maximum period fixed by law for the offence of which he is convicted, of which law we take judicial notice. The reason the Court does not name the maximum period in imposing sentence is that, with a certain low rate of intelligence, it is difficult for a considerable period of time to get out of his mind the impression that he is sentenced for a maximum term named by the Court.

Q. Who determines when a prisoner is fit to be discharged?

A. I would say, under the law, the board of managers determine when a man shall be released, but he reaches eligibility for release under rules established by them.

Q. How do the managers determine whether a man should be discharged or not?

A. That necessitates an explanation of the system somewhat. There are three grades demanded: first grade, second grade, and third grade. All prisoners are received into the second grade—the intermediate grade. The third grade is a low or convict grade, into which men are put for failing to maintain a standard of conduct here, and the first grade is a higher grade, the last period of their detention here, into which they get as a reward of merit. A man making the best progress towards release must remain in the second grade six months, with a perfect record; then in the first grade, six months. Having thus perfected his record here, he is brought before the managers as eligible for parole. Two other considerations come up to determine whether he shall go out or not; first, whether in addition to the record of behaviour, labour, and school progress, there is a reasonable confidence that, if released, he would live at liberty without further violating the law, and next, whether suitable employment can be provided for him. Those are the three considerations that are immediately before the managers, when they consider the proposition of release of any inmate. In addition to that, a consideration that very rarely needs to come in, the effect of his release upon the community to which he shall go. Of course, the prisoner has nothing to do about that; of course, he cannot change that during the period of his imprisonment, but the three things that he has to bring about are, as I have stated already, a perfect record, a reasonable confidence, and a preparation for introduction, with our assistance, into suitable employment.

Q. Has the age of the prisoner anything to do with all this?

A. No, sir.

Q. Have you any distinguishing mark in point of dress or otherwise?

A. The second grade, into which all prisoners are received, are clothed in a uniform, citizen's dress, composed of an ordinary dark suit, pants, vest, and coat, with a navy cap.



The third grade, which is a convict grade, are clothed in red throughout, have an ordinary citizen's cap of the same color. The first grade are clothed in light blue, such as worn by the cavalry for pants, with a better navy cap, ornamented with a little lace.

Q. Are there any room or cell gradations?

A. The lowest grade, a separate block of rooms, or wing of the prison, the size of the cells being the same as those of the second grade, but they lack the furniture, furnished men in the second grade. They have a single iron bedstead, with a straw pallet and pillows, a pair of blankets, a night tub, no sheets, and they have gas only for study, whereas, those in the other grades have it for reading, and for a longer time. In the second grade, the men have sheets on their beds, they have a cupboard, they have library books, which the third-grade men do not have, they have the privilege of correspondence once a month, a privilege denied to the third grade, they have the privilege of receiving visits at stated times from their relatives, which is denied the third grade. They have a pair of slippers in addition to the shoes they wear every day, and their clothing is different, as I have already stated. The first grade have a larger room, they have substantially the same room furniture, which is supplied to the second grade, with the addition of a strip of carpet when it is furnished by the friends or relatives of the prisoner. They have the privilege of a light for a longer period, they have the privilege of correspondence every week, and they take their meals at tables substantially as persons dine in a hotel, sitting around a table, and the privilege of conversing at meals.

Q. Are these grades distinguished in other matters of discipline in the prison?

A. Yes. The third grade march with the ordinary prison lock-step, under the charge of an officer. The second grade march in two ranks, under the charge of a first-grade man, in small companies of from twelve to twenty. The first grade march in fours, in large companies, under the command of the captain of the same grade.

Q. Then these various grades are well known to all throughout the prison?

A. Oh, yes. In forming the march in, the first grade form on the walk that runs through the yard, in two ranks, facing each other on either side of the walk, which is some twelve or fifteen feet across; and the second grade, and third grade, file through between them, the first grade coming in last.

Q. What is the capacity of the prison?

A. The cell capacity is 504 rooms. We have to-day, 665 men; 150 of them sleep in three dormitories of fifty each, temporarily, during the process of work of additional rooms. I am quite decided about this, that each man shall have a separate room. When my structural arrangements are completed, each man will have a separate room.

## INDUSTRIES.

Q. What are the industries of the reformatory?

A. I should premise by stating that, in 1883, a law was passed by our Legislature, prohibiting the contract system, at the expiration of present contracts. At present, we have 350 men on expired contracts, about 100 men manufacturing brushes on public account, and the balance are engaged in service on our farm and various jobs about the place.

Q. And the contract men are engaged in what?

A. One contract of manufacturing stove hollow-ware; on another contract we have 150 men at boots and shoes.

Q. What are the pecuniary results of prison-labour system?

A. You will find that in the reports. There is an appropriation of from \$25,000 to \$30,000 a year required, in addition to the amount realized from our industries.

Q. Do all the different grade men work side by side, in the same shop?

A. Yes.

Q. Have you a task system for prisoners, in the shop?

A. The reply to that necessitates referring to the question of release. I stated three conditions; one of them a perfect record. Now the perfect record is made up of three things: labour, behaviour, and school progress. There is therefore a necessity for a standard of labour, or task, as there is a necessity for school marking.

Q. Do you put that standard of labour at a minimum or maximum?

A. The true theory of the standard of prison labour in a reformatory is, that that would be required or performed by citizens of equal proficiency, working under a similar system.

Q. Your standards are high, as I understand?

A. I do not think our tasks are actually greater than in the State prisons, but we grade them differently. We fix our tasks on a different principle. They fix their tasks in State prisons, I suppose, at what a man can do, and we fix them at what he ought to do.

Q. Do you consider that labour is an additional and important want in the working of your scheme of reformation?

A. Yes, sir; an indispensable want.

Q. Could you carry on your system effectively without it?

A. It is possible to accomplish a great deal for the reformation of criminals of the class and age we have in a military school, but the practical reformation sought is, the rehabilitation of the prisoner as a good citizen, and the first element of good citizenship is that he shall be self-sustaining by his own industry and stability.

Q. Are the prisoners allocated to the various industries according to their physical fitness, or by any other selection?

A. They are assigned to an industrial occupation, by the general superintendent, at the time of their admission, and his examination is based on his judgment of their fitness, and into that estimate come other elements than the physical characteristics of the man; that for which he is best adapted here, and which he would be most likely to follow when released, limited, of course, by the limited range of industries we have under the present imperfect system.

Q. You would be glad of more?

A. Of course, I mean to work that out.

Q. Then a greater range of industries is important in your system?

A. Yes.

Q. And have you it under consideration?

A. Yes. Not only a greater range of industries, but as near approximation to the range of industries existing in free society, among the class to which these people go, as it is possible to reach within the prison itself; not only that the status of the prisoner, under industrial training, should be closely analogous to that of the citizen in their society; by that I mean that he should not be assigned an industrial task, as a slave is assigned an industrial task, without the ordinary rewards and losses which constitute the stimulus of free industries. The purpose here is, if the Legislature will allow it, to place every prisoner in such a position that, upon his admission to prison, he will be charged in

an individual account with everything he has, everything that is furnished him by the State, which constitutes at the time a debt he owes to the State, he will be supplied with the minimum of comforts as to clothes, food, and all that. It will constitute a debt, until by his own voluntary industry, he shall have paid the common cost of his keep, and reimburse the State for the original outlay, and then his privileges shall increase within due limit as he is able to earn, and he should also be allowed to earn and save.

Q. Is it part of your system that the prisoners, who are engaged in the various industries, shall be, when they leave, absorbed into similar industries?

A. That is the idea, when we have the variety of industries here that enables us to do that.

Q. In that very important task, assigning prisoners different industries, as I understand you, you have regard to the aptitude of the person for them, and, also, regard his antecedent position in society?

A. Yes, sir, and that of his antecedents.

Q. And endeavour to do for him what he ought to do for himself?

A. Exactly.

Q. Does that constitute what you said was the status? You have stated what the labour standard is, that he must come up to a certain standard in the prison in point of industrial habits?

A. Yes, sir; he must demonstrate that he has the disposition and ability, to earn sufficient to meet his reasonable and proper wants.

Q. His record is the fulfilment of that in the prison?

A. Yes.

Q. Do you give the prisoners any pecuniary interest?

A. No, we do not at present. We propose to do so.

A. I suppose the most of them are in debt?

A. We are not working on that principle now, you know; I am only stating what we are aiming at.

Q. Do you consider it a desirable thing to give discharged prisoners a pecuniary interest in the results of prison labour?

A. I say, under the determinate sentence system, a small amount; under the indeterminate system, a phase of which we are working here, a large amount, to be held and disbursed for them during the period of conditional release, as may seem wise. There is nothing more damaging to a man, who goes through a period of convict treatment in the ordinary prison, and comes up for release, than to have a large amount of money in his hands, so that he is relieved from the necessity of seeking and entering immediately upon some industry, and, under this new standard system we are working up to, the intention is to put in his hands just the amount of money he ought to have, and, from time to time, giving him more as he accumulates. He goes out feeling he has some capital.

Q. Are the most of your prisoners unmarried men?

A. Oh, yes, very few married men.

Q. Then there is no object in providing for families?

A. Well, a great many of them have parents depending upon them, and sisters, and brothers. I recognize very little difference in the need for money for relatives, between our unmarried men and our married men.



Q. Take the case of a man who was the means of support for his father or mother, and by some accident he finds himself in prison, would that not be a proper case in which to apply his earnings in the same way as if the accident had never happened?

A. Oh, yes.

Q. The prison carries on their life with the safeguards you throw around them of discipline, and you try to bring them out at the end of three or four years the same as if the accident had not happened?

A. Yes, sir.

Q. And with some little capital to their good?

A. Yes, sir, and better than all, intellectual development.

Q. When a prisoner is discharged, is the discharge final or probationary?

A. Probationary.

Q. How long does the period of probation last?

A. It may last, in the discretion of the governor here, until the expiration of the full maximum, but in actual intimation, we find it best to allow it to terminate at the end of about six months after his discharge, if the record is perfect.

Q. What are your sources of information in regard to the conduct of the probationary prisoner?

A. First, we get a letter written in his own hand, promptly on the first of the month. The appearance of the communication itself suggests the need of attention. Then the communication itself must be certified by either his employer or some agent that we may have in that district. In the city of New York we have one man, and it necessitates the prisoner making a personal report; he must personally pass before that man, and he not only sees his report, and hears what he has to say, but he sees his appearance, knows how he looks, whether he is dissipated or not.

Q. How many prisoners have you received since the opening of your prison?

A. About 2,100.

Q. How many have you discharged?

A. About 1,400.

Q. From all the sources of information that you have, how many of the 1,400 prisoners are good citizens now?

A. A very cautious statement would be that eighty per cent. of them do not resume crime.

Q. About what has been the average stay of these 1,400 prisoners?

A. A year and a-half. A small number, probably of twenty-five, have remained their maximum of five years.

Q. About what would be the average period of confinement of 1,400 men, under the ordinary determinate system?

A. Well, I have no data that enables me to state, but I judge about two years.

Q. Of the number of prisoners who went out, having spent an average of a year and a-half, a large proportion of those were in for long periods, and even for life periods?

A. Not for life. We have very few for life.

Q. Then the Parole court, which you spoke of, determines the date of their being sent out, upon the basis you have already told us?

A. Yes, sir.

Q. In regard to grading of prisoners, kindly state what are the offences that will reduce a man to a lower grade?

A. I have already stated that a man must have a perfect record every month in either department, in demeanour, in labour, and school progress. It will be at once understood that he may be perfect in two and imperfect in the other, and will spoil the month. To attain perfection in school, prisoners have to pass 75 per cent.; taking the basis as 100, if he passes 75 per cent, in all his studies, he gains his perfect record in that branch. In labor, if he fulfils the task required of him, averages his task for a whole month, he is perfect in that record. In regard to demeanour, I shall have to explain: There are three grades of demeanour offences: the last is neglects, the next is derelicts, and the next is offences. These three grades of failure in demeanour are indicated by three different colours of reports. If a man is reported, it is of a colour of paper corresponding with the grade of the offence, subject to revision by the general superintendent. The neglect offences, on pink reports, include a great many things, such as are taken notice of in military school, little things, the condition of the rooms, and the clothing, and bearing, and all that little shiftlessness people like these have so much. There are sometimes 30 or 40 of those; six of those in one month spoils the month for demeanour, even if he is perfect in other reports. The derelict reports of prisoners, on yellow paper, cover a different class of offences, and three of them in one month, forfeit the month. The offence reports are made upon chocolate paper, or broom paper, and one of these forfeits the month, and may forfeit the whole record up to that time, without degradation. There is an opportunity, of course, for a man to recover subsequently what he loses in any one month, either in school, labour, or demeanour.

Q. I do not understand what you mean, when you state that one forfeits his record up to that date?

A. It takes six months to get in the first grade. Supposing he has four months of a perfect record, and he commits an offence that is reported on a chocolate report, he loses three marks, loses everything, so that he has only six that month, his perfect school, and perfect labour. Earning anything less than eight marks in a month, stops the record there, and he commences again.

Q. It is not a degradation?

A. No, but he has to commence again.

Q. Is all this reduced to regulation?

A. Yes, sir.

Q. And are they made known to the prisoner?

A. Yes, sir.

Q. In print?

A. Made known to the prisoner on admission; for instance, the dining-room rules, the dormitory rules, the shop rules, are made known to him from time to time, as he goes into one or other condition.

Q. In the various departments of the prison are they all well known?

A. Yes, sir.

Q. Do you keep an exact record of the conduct of the prisoner, from the time he goes in until he is discharged?

A. With very great minuteness.



Q. Very similar to the method of book-keeping?

A. Yes, sir.

Q. When complaints of offences against the prison regulations are made, are they made in writing?

A. Always.

Q. Do they invariably come before the superintendent?

A. Yes, sir; there are blanks supplied to the officers, and they enter the one complaint, with the name and number of the prisoner, and write out the particulars of the report. That is handed in to the chief clerk, and immediately stamped with the consecutive number and date. We get hundreds of them every day. They then go to a clerk, who fills out an abstract of that report on this same coloured paper, and it is sent to his room, where he finds it at night when he goes in, in every instance. The report then is filed in a report pigeon-hole, at the end of the month, to be examined, and it is afterwards filed away in the pigeon-hole in the vault. A prisoner is furnished with a notice, every day, of the reports filed against him. Every prisoner in this prison is supplied with a pad and pencil, so that they have abundance of opportunity for communicating, but they are not allowed to communicate with each other; that is an offence, if we find it out. When they march out in the morning, an officer, or first grade prisoner, stands at the door to take these notes. If they have any complaint to make, they write it out, and the notes go to my letter-box, and I review them every morning, after breakfast. If it is something they do not care to have anybody know about, they write for an interview, and immediately after supper, from half-past five till seven o'clock, I am up there to see anybody who signifies their desire to see me.

Q. In a room for the purpose?

A. Yes. They are brought up to the guard-room floor, seated in rows, under the charge of an officer, or a first grade man takes charge of them, and I see them. I see a population of 600 or 700 a month. I have seen thirty-five to-night. They say, I have been reported, or noted. I say, What about it? Well, I did not do it. I say, All right, I will investigate it. I investigate it, unless there is some reason for it, unless he says it was a mistake, or an officer was down upon him. I have been doing it by writing lately. I write on the back of the note what a prisoner says, and send it for investigation, and it is reported to me, and if it stands all right, I write on the report, "This report seems to be true and must stand." Sometimes I will not write to them; sometimes I will say, "If you are not satisfied, you must go to the court in the presence of an officer." Then the whole month's marking is written up, and entered up, not only in the general ledger, but in a pass-book of the prisoner—each of them has a pass-book like a bank-book. He may enclose a little blank for request to attend court for demeanour or labour, or whatever it is. Then the chief clerk goes through and gets out his package of reports for the month, finds who the witnesses are, and makes up a docket. Last night was the court night for the month of August. We assembled sixty men out of the 700, on the guard-room floor. Every officer in the place, not necessarily on duty, is brought into the room, and a court organized. The school secretary sees all the men who wish to see their school examination papers, who think there may have been some error in their school marking, he goes over the estimates in their presence. I never have had a man appeal to me from that branch, unless he has been absent from school for some reason, as far as the accuracy is concerned, they never appeal to me, although they can do so. The demeanour reports are referred to me. There is a great chance for me to work that part. I have already been over the demeanour reports and entered them up, and now I take them afresh in the presence of the man, and I say, What do you come down here for? Well, he says, I do not think I am properly marked, I did not commit the offence, I was marked on suspicion. I call the officer and tell him, that the man says he did not do it, and ask him

what he recollects about it. The officers get very sharp about it. It is very great mortification to them to have to go back on it. He may say, I know that man to be guilty of that offence; he claims, for instance, that I had given him permission to speak to this fellow, contrary to the rules. I did not give him permission. I recollect distinctly, that I was looking at him, that he walked over and addressed a prisoner without raising his hands and getting any permission at all. Well, I say, that seems to be conclusive in your case. If any matter comes up of importance, and the prisoner will still demur, I say, It is your privilege to have a jury trial if you want it. Generally, they do not want it, and will say, Well, let it go. Never mind, that is only one mark, I often say, it is a small matter, and I am going to bring you right up to the line; go along a month or two with a perfect record and come to me with your book and I will cancel that. You see, the principle of forgiveness comes in. But if they went, (within the last four or five years,) to the board of managers, I have a stenographic report of the testimony, and when the report comes up before the board, he is asked if he had a trial, and was it by jury. The prisoners say, Yes, sir; then, you see, we have the whole proceedings.

Q. Does not that infuse the idea into the prisoner that he has had fairplay?

A. Yes, sir. A fellow said to me the other night, it cost him six months, he has been bothering me some time about it, and he asked for a jury trial. The jury found him guilty. He said, two or three days afterwards, I am not guilty, but I have had a fair show, and I will say no more about it.

#### PUNISHMENTS.

Q. Have you a system of punishment in your prison?

A. No system of punishments, nothing that is worth the name of system. No punishments are inflicted in any grade, except the third grade. The consequence of misconduct in the upper grades is degradation. You may call it punishment, if you please. We try, by every means, to have a man understand that his degradation is not a punishment, is not intended as a punishment; it simply places him in the grade to which he has shown he belongs, by his failure to keep it. I say, I am sorry you are going down, and will take you out the very moment you can come out. There is no arbitrary time fixed for which he shall stay there. I say to him, The very moment you correct that fault, I will pull you out, unless it is something very serious. Coming to the third, or convict grade, I make the general remark in relation to a jury. We gather up all these cases, some four or five, some months, of course, none at all, and sometimes a very important case affecting a man's standing for a year or two. We assemble in the evening, a small number of people, nobody but myself and the clerk, prisoner and witnesses. We send the clerk out to bring in three juries, usually first grade men, always intelligent men. I say to the accused, There is a jury of three men, look at them; have you any objection to them? He may say, Well, I think that man is prejudiced against me, or I think that man is trying to build himself up by cutting others down. All right, I say, challenge him peremptorily. Very rarely they challenge a jury, and sometimes they do. One fellow challenged the whole three the other night. We assembled another, and I says, Is that jury acceptable; and he says, Yes. Then the clerk read the indictment—report—and the prisoner asked what he has to say. He makes his statement that he can prove this, that, or the other; we bring in the witnesses and they give their testimony; I examine them; hold them to the rules of evidence; we are an ordinary court, you know. No nonsense about it, and when the thing is over, there are no speeches or arguments. I say, Now we will submit this question to the jury and take another case. The jury deliberate upon it, and bring in their verdict. On that verdict I mark the man. We often take a stenographic report of the whole proceedings, and file it with the man's record; it does not trouble or cost.

Q. Now, is there any appeal from that?

A. In very rare cases. I have had three or four appeals. As to prison punishment, there is very little danger of cruelty or serious mistake, when the purpose of the infliction

is remedial and not retributive. Now, having stated that no punishment is inflicted in the first or second grade, and only in the third, it will be necessary for me to state how we inflict punishments in the third grade. A man, under this system of ticket reports, has offences daily, appears at my office. When he gets three, equal to three *dérelict* reports, the three reports are placed on my desk. Now, it is discretionary with me whether I pass it. If I do, I indicate it by a mark; I usually write him a note; I have a stenographer there, and I call him up and take this package of notes and go to the general conduct register, and I send him a memorandum of the entries against him, and everything else. If he is a new man, got into the third grade, I will say, You came here three months ago; you have failed in so and so; I wrote you about it; you failed the next month; I wrote to you again about it, and then you reach the third grade, and now you are going on; you have added three months to your imprisonment; can you afford this? I will know the man individually. For instance, you take the case of a man who goes on towards the middle of the month and he gets three more reports. I write him a sharp note, saying, You must call a halt, young man. If you get three more reports this month—I say various things there—you may expect sharp treatment. I will spank him. Take that case I have cited, where he gets three more reports, perhaps the next day, I order him left in, and he is brought personally into my presence. I have the record and I say, Look here, I wrote you so and so; when you got into the third grade, I wrote you again five days afterwards, that you must quit, or expect sharp treatment. I wrote you again, if you got three more reports, I would spank you. I suppose you want a spanking; then I spank him. The spanking is always inflicted here by the general superintendent, in person. No officer under me ever in my life inflicted corporal punishment upon a prisoner.

Q. What do you use in spanking?

A. I have a strap, about two feet long, a small handle on it, for convenience; the strap is three inches wide, about a quarter of an inch thick. It is always soaked in water until it is soft and pliable. A man's posterior is exposed, and he stands up at a post, not fastened usually, and I inflict one or two, and see what the effect is; three, four, and never more than twelve; often one, two, three, or four, answers the purpose very well. It is not inflicted in this prison, once in a thousand times, to subdue an obdurate man. The popular idea is to bring a man down, but with us it is what officers have come to call a regulation; they say that man has to be regulated.

Q. Does that generally produce the desired effect?

A. Yes, very generally.

Q. Is it done in the presence of every prisoner?

A. Oh, no, sir; it is done privately, and nothing is said about it at all. I cannot describe to you the effect and manner of that, as administered by me; but, when we do, there is no feeling of animosity against me; it is a confidential treatment, and often is the source of a more intimate relationship between the man and me. Perhaps the very same day, I meet his glance, and there is a recognition of a sort of common secret that we have, as nobody else has.

Q. Is that the only corporal punishment?

A. Yes, sir.

Q. Do you ever commit a prisoner to a dark cell?

A. No, sir; I have abandoned the dark cell long ago.

Q. Do you ever confine them in their own cells for misconduct, or in other rooms, as you call them?

A. In rare instances, I have sent a man to his room, and let him stay there until he gets tired of idleness.



Q. Those are the only punishments : occasionally the strap, and confining a man to his own cell ?

A. Yes. .

Q. Do you ever deprive of privileges ? I am not talking about marks, or anything of that kind. Do you ever reduce the quantity of bread ?

A. Not at all.

Q. Do you ever take away the library book, or anything of the like ?

A. Those things come in the course of degradation—belonging to the grades. They do not apply to individuals.

Q. Is there any statute law authorizing the punishments ?

A. There is a statute to prohibit corporal punishment in the State prisons. It does not apply to us.

Q. You have the usual paternal or tutorial power, whichever you may call it ?

A. Yes, sir.

#### DIETARY.

Q. Have you a fixed scale of dietary ?

A. Not by law ; we regulate it as we please.

Q. Is the same dietary, or the same food given to all ?

A. The same constituents, differently served, and some additions to the upper grades.

Q. What differences do you make in the manner of serving ?

A. The second and third grade take all their meals in their rooms. The first grade take their meals at tables, and are allowed to converse.

Q. Are they allowed the same food ?

A. The third grade have a ration without tea and coffee. The first grade have the same constituents, but not served up in rations, put on the table as if put on in the family to be carved. There the men can accommodate themselves to their appetite, taking more meat and less vegetables, and so on ; and in the first grade we supply butter or milk once a day. In all grades there is no limit as to quantity, with this exception, that in the second and third grades, where the food is served in rations. If they desire more food than the amount of meat and vegetables in the dish, they must have it of bread, and bread alone, which is supplied without limit to the extent of their appetite, where, as in the first grade, they can help themselves.

#### TOBACCO.

Q. Do you allow the use of tobacco ?

A. Not at all.

Q. Do you think it desirable that it should be used ?

A. I do not, for three reasons : first, cost ; second, sanitary results that come from it ; and third, it hinders to the best school progress and intellectual growth. It is, also, a source of nervous irritation.

## DISCIPLINE.

Q. Have you a chaplain ?

A. No ; we have general services. The Roman Catholic services are conducted by a priest in the city, who regularly supplies service, but does no other work of a chaplain. Once a month, he gives them exercises from the catechism. The Protestant services are not denominatd Protestant services here, but it is general service—a lecture. We have clergymen conduct a general service every afternoon for all the inmates, Catholics and Protestants, different clergymen officiating, selected for their special adaptation, often following our suggestion as to topic.

Q. Are all inmates required to attend all these services ?

A. Yes. In actual practice it is found not necessary to urge them to go.

Q. The Catholic chaplain has made no objection to that state of things ?

A. No.

Q. Just state how it comes to be that all classes attend these instructions ?

A. The answer is that he would find, after consideration, that there was no denominational element in them.

Q. Have you any other means of instruction in the reformatory than the services already mentioned ?

A. I was going to say, Every Sunday morning, under the leadership of a prominent and qualified lawyer in the city, here, we assemble the inmates that belong to the upper class of grades, number between two and three hundred, for mutual investigation in practical morality. These are lectures similar to the same lectures in a theological seminary, perhaps on ethical subjects. The outline of the morning discourse, or study, is previously prepared by the lecturer, printed and distributed to all the men. He then commences with the topic of the day, and goes on amplifying until he is interrupted by questions or remarks by the men. Often the whole hour and a-half is occupied mainly by the inmates, thus bringing out most interesting themes, not only as to the topic itself, but as to the quality and character of the mind of the inmate. It is the most wonderful thing in the world. Afternoon services, lectures to the whole house, are intended to be worked, and are mainly worked in harmony with the morning engagement, adding immensely to the interest in the discourse for these 300 men, and accomplishes a great deal of good. Then a newspaper of these morning lessons, and often all the afternoon discourse, summarised, is printed, in the prison, and distributed to all the men in the house

Q. Then you have peculiar means for moral training ?

A. Yes, sir.

Q. What, as to school-book instruction ?

A. The whole population is carefully graded into a great graded school, and every minute is required to pursue a course of study, and pass in it, upon which examination his progress towards release depends in some measure. That is our school system. I should like to say that our school is more than an ordinary graded school. A new feature has been found of very great use, and that is, where we maintain by this graded system, the division of the whole population into intellectual grades, we eliminate from several classes, a group of men for a particular course. That system can be adopted in the public schools.

Q. Is the instruction conducted by monitors ?

A. It is conducted by a paid teacher from the town, forming a part of the staff for



the time being. We send our omnibus for the teachers, and bring them here, and we pay them. They are interested, aside from the pay, however. They are a class of people who would not come only for the amount of money we pay them.

Q. In addition to the instruction you mention, do you give any technical instruction?

A. Yes; already we have schools in telegraphy, and classes in phonography, and we have maintained, (the population of the prison only has rendered the use of the department for dormitories necessary), a class in tailor cutting, and a class in plumbing, a class in carpentering, and in the new trade schools now in process of erection, some twelve or fifteen manufactures will be introduced immediately.

Q. You mentioned to me that you had drafting as well?

A. We have a class also in mechanical drawing.

Q. Are these various branches of technical instruction conducted with a view of providing employment for the prisoners when they leave?

A. The main view is to accomplish mental growth and development that constitute the *rationale* of reformation, and the secondary object is a sort of appreciation for industrial success in free life.

Q. And you keep them employed?

A. Yes, sir; the object is, and we accomplished it pretty nearly, that the mental operation of every man, during working hours, shall be withdrawn from their ordinary course, and directed into new channels. With the schools of moral training, we accomplish that very nearly, and shall perfect it quite, I think, as far as is practicable for one mind to direct another, when we get the facilities that are now in the process of erection.

Q. In your opinion, this system of instruction tends to give moral strength to the prisoners?

A. Yes; mentally, and morally, and physically, he begets strength.

Q. I see you endeavour to develop the particular aptitude a man may have by training him in that way?

A. Yes, sir.

Q. Are these schools conducted in the evening?

A. Yes, sir; we work only eight hours; we close at half past four. After supper classes commence, but not on every evening.

Q. When you find an incorrigible and refractory prisoner, whose conduct unsuits him for your instruction, what do you do with him?

A. We have transferred, in eight years, eighty men to the States Prison.

Q. As I understand, that was not so much because of the difficulty in dealing with him, but because of the bad effect that would have on the balance of the population?

A. Yes, and the hopelessness, from the low grade of their physical and intellectual condition, of ever making a good citizen out of them, and another consideration is, the over graded condition of our institution. The fact is, as you see, two or three, or even ten per cent of the prisoners filling our different institutions are men whose constitutions are not fitted for free life. They lack that condition intellectually, or they are diseased physically. It is hopeless to try and reform them, in the sense in which reformation is worked here.

Q. I was going to ask, whether the system would apply, or would prove effective with short-date prisoners, who are committed for periods from six months up to two years, definitely?

A. It would be a vast improvement upon the present system, but of course, you would not get so good results as from the indeterminate sentences.

Q. Would you recommend the adoption of the commutation principle, that is now the law of the State of New York, to short-date prisoners?

A. That is not the best thing, but it is an improvement upon the present system. It is a step in the right direction.

Q. Would you apply it to that class of prisoners who are in and out of prison—recurrent cases of criminality?

A. There are two uses of the commutation principle. We can do vastly more of it, than the ordinary commutation law. First, it has a disciplinary use, and second, it has a reformative use. It is useful for its disciplinary ends alone. It incites to good conduct. It is a strong motive to good conduct in all prisoners, where the length of sentence is sufficient for them to attach any great importance to it. A prisoner, in for thirty days, would not care whether he got out in twenty-eight or thirty days.

Q. Have you men in your prison, who are generally known as cranks?

A. Yes.

Q. How do you deal with them?

A. You go up and down in the scale of cranks, or mentality, getting various grades of them. Some are susceptible to improvement. Some are so verging on insanity that no pressure brought to bear on them is likely to force them the other way, and the skilful officer may determine, and sometimes it is exceedingly difficult to determine in a given case, after or upon any one, whether you surrender or proceed.

Q. Does your physician ever pass an opinion on these subjects?

A. Oh, yes; we are in constant consultation as to physical and intellectual basis.

Q. Are you governed in your treatment by his opinion?

A. As a professional adviser, I am governed by him.

Q. Have you any insane persons?

A. We have none in the house. There is an asylum for the insane convicts in this State, to which they are removed.

Q. You have already told us that you are opposed to dark cell punishment?

A. Yes; I do not use it. I have now been engaged in the prison service for thirty-five years, continuous service, with the intermission of three years. I commenced in the Connecticut State Prison; then in the Albany Penitentiary; then in the Munroe County Penitentiary; then in the Detroit House of Correction, and for the last eight or nine years, here.

Q. Would it, in your opinion, have a beneficial effect upon refractory and incorrigible prisoners, as well as in the general discipline of the prison, if such prisoners were removed from the ordinary prison to cells, somewhat under the Pennsylvania system, where they would be kept at work by themselves, and away from the other prisoners?

A. I would say, yes; it would be a very useful arrangement for any adult prisoner.

Q. And more particularly in short-date prisoners?

A. No; I think it would be as well in one as the other; it would save a vast amount of trouble and injury.

Q. I suppose, in the treatment of prisoners, it would be impossible to lay down any rule, where cruelty, using the word in its general sense, would be said to exist in one case, and not to exist in another; that is to say, you could not exactly draw a line and say, this treatment was cruelty to one person, and the same treatment would not be cruelty to another person?

A. Well, any infliction of pain, physical or mental, that has not a remedial design, would be cruelty.

Q. I was going to ask you, in the same connection, what you consider mere excessive punishment to be; is it of necessity cruelty?

A. With a cruel intent do you mean?

Q. Suppose a man was punished what would be deemed excessive? Of course, that largely depends upon what is meant by excessive; to use the word excessive in its ordinary sense, any punishment that would be excessive, would you deem cruelty, or would that not depend upon the conduct that brought it about? Could you lay down any rule by which you could draw the line where excessive punishment would be, and where it would not be cruelty, and *vice versa*?

A. You cannot make any arbitrary enactment about it. If you refer to prospective punishments, I should say, No, very clearly, but if you refer to punishment already inflicted, you would be able to determine, I think, whether it was actual cruelty by the effect.

Q. Suppose punishments were inflicted, that were, in the legal sense, excessive, that is, beyond the authority of the person inflicting them; suppose a person was put in a dark cell for one day too long, or supposing there was one stroke too many, do you think, of necessity, that should be construed to be cruelty, merely because it was excessive?

A. No, not necessarily so.

Q. Suppose, under the statute law, a man is empowered to give ten stripes, whereas, he gives eleven, there is no doubt, in law, that would be excessive, but it would be another consideration altogether, whether it would be cruelty or not?

A. Yes.

Q. In the case of prisons, where the dark cell punishments exist, without asking you to endorse the system, in your opinion should dark cell punishments be for a definite, or an indefinite period?

A. Not for a definite period, but until the object sought be accomplished. I would like to say, in explanation, that the object is best accomplished by removing the man rather than by detaining him.

Q. Would it be possible, except in an individual case, to say that the confinement of a man in a dark cell, for three days, or six days, or ten days, would be cruelty, or would you be prepared to put any limit?

A. No. I could not say, without knowing the individual case. I could not say generally.

Q. *Prima facie*, to put a man in a dark cell for three, or six, or ten days, or any number of days, providing he was not starved, or his health broken down, it would not be cruelty?

A. No, sir.

Q. Then you would say that cruelty began when a man or his body would be impaired or injured to some extent?

A. Well, I should say—mistake began—an error had been committed—which had resulted in an injury to the man. The term cruelty seems to imply a cruel intent, does it not?

Q. I do not use it in the sense of malicious intent; but, if it is used, and there is injury to the man, or bodily harm, ought the warden of a prison be held accountable for what, in such a case, is a matter of judgment, and where one man may differ from another?

A. Well, I think he ought to be held accountable for his judgment, because it is a matter of judgment.

Q. Because a man, who has not judgment enough to determine when he has gone far enough, is not fit to be a warden?

A. No.

Q. The legal excess is easily determined; the letter of the law is there, but the excess which, so to speak, in cruelty, is not a matter which can be determined by any rule, so far as I can see?

A. You are right about that.

Q. Would it be excessive punishment, to place a prisoner for seventy-two hours in a dark cell, if the reports against that prisoner had shown, that he had been warned and admonished, and had proved incorrigible, and his conduct detrimental to the discipline of the prison?

A. It might be, and it might not be, I could not say about that. Here comes the necessity of dark cells, as compared with some other cells.

Q. If a man is put into a dark cell, and gets a small allowance of bread and water, and that continues for a month, and the man dies of starvation, of course, there would be supreme cruelty I should say, unless the law authorized it. Now, every day within that time would be a fraction of the cruelty, because each day, he was being reduced in his bodily condition?

A. I do not see it in that light; the one day may may be serviceable, but the thirty days may be injurious.

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EVIDENCE TAKEN BEFORE THE CENTRAL PRISON COMMISSIONERS,  
AT KINGSTON PENITENTIARY, ON WEDNESDAY, THE 23RD DAY OF  
SEPTEMBER, 1885.

Present—His Honour Judge Sinclair; J. W. Langmuir, Esq.

Dr. LAVELL, Warden.

In answer to the inquiries by Mr. Langmuir, the warden spoke as follows:—

Q. Give us the name of this institution?

A. Kingston Penitentiary. My name is Michael Lavell. I was appointed in February, 1885. I was surgeon since October, 1872.

Q. What is the capacity of the penitentiary?

A. We have accommodation for 810 convicts, separate cells, exclusive of hospital and asylum. Our asylum accommodation is forty-six, and our hospital accommodation is thirty-six, separate cells, in both places.



Q. What is the present population?

A. About 486 men and 41 woman; that is a little higher than last year, but we have had it as high as 740. Our insane population is derived from our own and other penitentiaries; we take the insane from the penitentiaries of the Dominion.

Q. Under what governmental supervision is the penitentiary?

A. The Dominion Government has control. It is then managed by the department of justice and the inspector of prisons.

Q. Who frames the by-laws?

A. The inspector, approved by the Minister of Justice, sanctioned by the Governor-in-Council.

Q. Who appoints the officers?

A. The Governor-in-Council appoints the warden, deputy-warden, Protestant and Catholic chaplains, accountant, and when we have any, assistant chaplains and surgeon; and then the Minister of Justice appoints the schoolmaster and mistress, store-keeper, and steward, chief keeper, engineer, matron and deputy-matron.

Q. Who appoints the guards?

A. The warden appoints the guards, assistant deputy-matron, confidential clerk, and other servants, the number being fixed by the inspector.

Q. Who has the power to dismiss guards?

A. The warden has the power to suspend and dismiss.

Q. Is it necessary for you to refer the suspension to the inspector?

A. I have to report for his information, not for action.

Q. I presume any officer has the right to appeal in cases of suspension or dismissal?

A. Yes.

Q. You say that the Government appoints the surgeon?

A. Yes, by order in council.

Q. What are the surgeon's duties?

A. He has full charge of the sanitary arrangements of the prison, in consultation with the warden, charge of all the sick, control of his hospital and asylum coming within his province, but no disciplinary control whatever.

Q. Does he make daily visits?

A. Yes, from ten to twelve, and at any other time he may be needed.

Q. What books does he keep?

A. He has, first, the daily record at breakfast; if a man wants the surgeon, he gives his name to the steward; upon the surgeon's arrival, the hospital overseer sends for the man wanting the surgeon. This daily record is the entry of all these cases. He prescribes what is necessary for them to take; if they are to be taken into the hospital, it is marked hospital and taken in; and after prescribing, he has a prescription-book from which is transcribed into the ledger, the name of the man received into the hospital, with all the particulars, in the event of death or inquiry being made, so that a record is kept of every man's case, from the time he is received into the hospital until he is discharged. We have another book, termed the "dietary"-book, in which is entered the daily diet of



the patient. The surgeon, has entire control of that, what he prescribes for the patient, if procured for him, and a record of that is kept (the ordinary diet or the extra diet.)

Q. Who enters prescriptions in the record?

A. The surgeon, in the daily record; it is in his own hands; the overseer transcribes daily, and then the surgeon enters any change in them, and signs the hospital record-book every day.

Q. Does the surgeon see every prisoner that comes into the prison?

A. Yes, on arrival. Before the warden can place him at work, he must submit to inspection of the surgeon, and upon his report as to fitness for work, the warden acts. We have slips, which are sent to the dining-hall, in which the man is declared fit for work, or light work, or not fit for work at all. In every case, the surgeon sees the prisoner when he arrives; he makes such examination as he thinks proper.

Q. Does he inquire into his mental capacity?

A. Yes, it is his duty to inquire into all the particulars, mental and physical.

Q. Do you consider that, from your experience in prisons, a very important duty?

A. I think so; it is the only guidance, to the authorities of the prison, in disposing of men.

Q. Would it, in your opinion, lead you to detect in the man, bodily or mental defects that would be of service in the treatment of that prisoner?

A. Yes.

Q. Is the surgeon in any way responsible for the dietary of the prisoner?

A. We have the fixed, ordinary diet, admitting of a little variation at any time if the health of the prisoner is affected; suppose we have diarrhoea, it is reported, and a change of diet is ordered.

Q. What time of the year does diarrhoea usually break out?

A. About August.

Q. Is the dietary fixed in point of quantity and weight?

A. Yes.

Q. Is no deviation made from this; can the prisoner get more than his share of bread?

A. Yes, in this way; we have two baskets of bread; as they go into the dining-room, if a convict thinks he has not bread enough, he is at liberty to take one or two pieces of bread; they may take two pieces instead of one.

Q. Is there a stint in regard to meat?

A. Yes, and everything, except bread.

Q. Do you have meat at every meal?

A. Only at breakfast and dinner; a portion of cold meat in the morning.

Q. Do you know what is the average weight of solids given for diet?

A. I will give you a copy of the diet rate.

Q. Do you give men who are working in the quarry a greater quantity than men who are working in the shops ?

A. No.

Q. Do you consider it necessary that such should be the case ?

A. I do not ; sometimes men in the shops eat more than men engaged in the quarry work, and these men (engaged in the quarry) generally take the extra quantity of bread at dinner, and sometimes take some with them to the quarry.

Q. Are there any complaints with regard to the food ?

A. It is a very exceptional thing. I think two or three times, since I have been warden, as to quality, and scarcely ever as to quantity.

Q. Do you find the complaints more frequent, from recurring prisoners ?

A. I have not noticed any difference.

Q. Are your meats all boiled ?

A. Yes ; we don't have any roast meat at all.

Q. Do you dine in the cells, or in a large hall ?

We have breakfast and dinner in the large hall, and supper in the cells.

Q. In bringing so many prisoners together, in a large hall, do you think it is attended by any danger ?

A. I do not.

Q. Do the prisoners prefer taking their meals in association, instead of in their cells ?

A. Yes, decidedly, and I think the social element has a very favourable effect.

Q. Have you found any attempts at revolt, arising out of association at meals ?

A. No, not to any extent ; once or twice, when we had Fenian prisoners, one of them was to be flogged, and several of them protested against it, but nothing serious took place.

Q. Do all your guards remain while dinner is going on ?

A. No, sir ; only five guards, and the deputy-warden and steward. In addition to the social element, there are advantages of having them all together for meals, the warden goes there whenever he can, to be present in the event of any prisoner having any complaints. I always feel that I should be accessible at any time. I give them the privilege at any time, and any place, to speak to me if they have any complaints. I go there for that purpose. Reports of any offence against convicts are put in writing, the convict complained of is called out and spoken to, in reference of the matter that is done, in the presence of all the convicts at dinner time.

Q. You say that the Governor-in-Council appoints the chaplains ?

A. Yes.

Q. Do they have other duties besides spiritual instructions ?

A. No, there is provision made for the appointment of a schoolmaster, but the system we have adopted has been this : one of the keepers is placed at the head of it, and then other keepers and guards assist, one man could not efficiently do the work without interfering very much with the work of the prison, so that the teaching is done by six of the keepers and guards.

Q. Is that teaching confined to the wholly illiterate prisoners ?

A. Yes.

Q. Is it done at night ?

A. No. It is done at the dinner hour, immediately after dinner ; we allow them twenty minutes, and then they are called to school.

Q. In respect to religious services, do the Roman Catholics attend only their own services ?

A. Yes ; and the Protestants likewise, and neither can attend the services of the other without a violation of the rules.

Q. Do the chaplains, in addition to religious instruction, visit the prisoners in their cells ?

A. No ; but are permitted, if necessary.

Q. Do they see the prisoners under punishment ?

A. Yes, they may, if so desired.

Q. When prisoners are under punishment in the dark cells, have they the right to go to the chapel that Sunday.

A. No.

Q. Have the chaplains ever complained of this

A. Neither the Catholic nor Protestant chaplains have ever complained of this.

Q. Is it compulsory upon prisoners to attend chapel ?

A. Yes, it is compulsory.

Q. Can convicts, who are not members of either English or Roman Catholic church, see their own chaplains ?

A. Yes, if they wish to ; they are to be sent for, particularly if the convict is sick.

Q. What are the industries of the penitentiary ?

A. Farm, quarry, stone-cutting, masonry, carpentry, shoe-making, blacksmithing, and things arising from these.

Q. Are any of these carried on under the contract system ?

A. Only one, that is the lock-shop.

Q. Have you employment for all the prisoners ?

A. Just now we have.

Q. What is the revenue derived from the sale of prison manufacture ?

A. Last year, about \$15,000. \* The quarry is carried on under the Dominion Government. It is only for our own work, but sometimes we sell outsiders.

Q. Is your system of discipline of a very rigid order, or is there some elasticity in it ?

A. There is necessarily some elasticity.

Q. Do you take notice, or do you instruct the guards to take notice of all the small offences, such as talking ?

A. No ; my instructions to the guards are these : You must not see a great many things going on, you must not do anything that would provoke unnecessarily ill-feeling with the convicts.

Q. Do you admonish and warn before punishing, or depriving of privileges ?

A. In light matters I do. In more important offences I punish at once.

Q. For instance, if a prisoner had certain work to do, and in your opinion he could do it, but he refused to do it, what would you do with him ?

A. I would call him up and ask him the reason ; if I find it was just from a little "cussedness." I would just tell him plainly, You have got to do the work, if not, I will punish you. If he won't do it, I send him to the dark cell until he says, I am ready to do the work.

Q. Describe the dark cell ?

A. It is about six feet square, it is completely dark, darkened by an iron door.

Q. When you say you confine a prisoner until further orders, how long would you confine him ; what is the maximum period of confinement ?

A. I would be governed by circumstances. I think a man has remained there nine days, since I have been here, he is reported to the surgeon while in punishment, and he can have him removed, he has got to look after all prisoners in close confinement.

Q. I suppose that is with a view to see that the prisoner is not injured by the punishment ?

A. Yes, exactly.

Q. When prisoners are committed to dark cells, what is their food ?

A. Bread and water, exceptionally I have given them one square meal if confined two or three days.

Q. Is the quantity of bread limited ?

A. Yes, to sixteen ounces during the dark cell confinement, water is unlimited.

Q. When they are sent to the dark cell, are they ever leg-ironed or hand-cuffed ?

A. Never now.

Q. If a prisoner sends for you, or sends word to you, that he is prepared to go to work, or that he is sorry, is he invariably released ?

A. No exception to that rule.

Q. In your experience, do men dread this dark cell punishment ?

A. Some of them do, I think, most of them, not because of the punishment itself, but they report, and the dark cell implies loss of remission. In addition to the dark cells, we have what are known as the dungeons, we have eight (8) dark cells, and fourteen (14) dungeons. Prisoners are placed in the cells for more aggravated form of offences. If a man attacks another, or an officer, if he attacks him dangerously, I would send him to the dungeon for continued insubordination, in some instances for insolence to the officer unprovoked, and in the presence of his gang. The dungeons are larger than the dark cells, but just as dark, and well ventilated, they are under our prison asylum, and are entirely removed from any outside contact, no one can go near them to converse with the prisoners confined, it is solitary confinement.

Q. How long, for serious offences, are prisoners confined in the dungeons ?

A. We have had men there six months.



Q. Is that manner of punishment much feared?

A. Yes.

Q. If a prisoner has committed a very serious offence, which warrants your in sending him to a dungeon, do you, upon his giving evidence of contrition, let him off?

A. No, not merely on that account. I never send a man to the dungeon without consideration.

Q. Before sentencing to the dungeon, do you bring the prisoner before you and make enquiry?

A. Yes; when a case is reported, I consider it before deciding upon it. When I decide to send them to the dungeon, it is after full deliberation. I call him before me before sentencing, if there is any doubt, I call the officer who made the report.

Q. Are the reports of officers, of offences, made in writing?

A. Yes, they are.

Q. Do you bring the prisoner and the officer before each other?

A. In any serious matter I do, in most cases of reports, the men admit the charges, and give some excuse, and if they deny them, I speak to the officer.

Q. As a general thing, do you find the reports of the officers correct?

A. As a rule, I do.

Q. Do you find that some of the guards report more frequently than others?

A. Yes, some of them do, very few, I generally know it, when that is the case.

Q. Do you find some of the guards officious in that way?

A. No, I would not call it that, there are some of them a little more exact than others.

Q. In addition to the dark cell, and the dungeon, have you any still more serious manner of punishment?

A. In very aggravated cases, we flog.

Q. Before flogging, what is the procedure?

A. In the event of flogging, it must be for a very serious offence. The man is brought before the warden, face to face with his officer, who signs his report, and that is entered. The surgeon has to be present, and approve.

Q. Before administering the cats, is it necessary to bring it before the inspector?

A. I have absolute power to administer corporal punishment.

Q. In that connection, would you advise your government to take away the cats as a means of punishment?

A. No, I would still retain it.



Q. In addition have you any others ?

A. Yes ; we have depriving the convict of light for reading in his cell, and loss of remission.

Q. Have you a punishment-record book ?

A. Yes.

Q. Is every punishment or deprivation that you inflict entered up ?

A. It is.

Q. Do you make a return to the inspector ?

A. I do ; not to the inspector, he examines that book during his visit, I make no return of the dark-cell punishment, except at the end of the year.

Q. Do you ever confine a prisoner in his ordinary cell as a means of punishment ?

A. No ; I don't consider that to be a punishment.

Q. Have you a system of remission of a portion of sentences ?

A. Yes, by the Fifty-third section of the Penitentiaries Act of 1883.

Q. Do you find that this has a good effect, in inducing good conduct ?

A. Yes, it has an excellent effect.

Q. Is the loss of remission looked upon by prisoners as a great infliction ?

A. It is, they would rather be gadded than lose it.

Q. Would you recommend it, from your experience, to be applied even to short-date prisoners ?

A. There is difficulty in that, prisoners of three (3) months, or six (6) months, I think, I would not ; prisoners having a year sentence, I would. The period of commitment is now rather too light.

Q. Looking at the system of remission, only as a means of producing good conduct in prison, do you think it would have a desirable effect ?

A. Yes, I think it would.

Q. Have you any other rewards, do you allow them to smoke and chew ?

A. We allow them to chew a plug a week, they are better satisfied with it, I think ; to deprive them of it now, would be a punishment, I am opposed to the use of tobacco.

Q. What proportion of prisoners have you trouble with ?

A. I could hardly say, without going through the punishment book. Since the first of September, there have been about six reports, the reports have been in reference to men who have been reported before, generally, but the percentage is small, as a general thing our prisoners are well behaved.

Q. Have you an incorrigible class, and how do you deal with them ?

A. I would divide them into two classes, dangerous, and mischievous. The dangerous ones I would isolate completely in an open cell. I would determine the degree of danger by his conduct. The mischievous ones are principally youngsters, who have had no influence at all from childhood, and I think with those incorrigibles that I might begin to exercise better influence over them, by pointing out to them their conduct.

Q. Do you find that some of the incorrigible prisoners have a side that you can get at ?

A. Yes, and I believe in getting on the soft side of all the men, if there is a soft side to them.

Q. Do you resort much to the dungeon ?

A. Not much.

Q. How many cases in the year do you average ?

A. Perhaps half a dozen ; some of them would be recurrent cases.

Q. What are your periods of punishment ?

A. Perhaps one week. I have not exceeded two weeks, in my experience.

Q. Do you think it has a good effect upon them ?

A. I would not advise the abolition of it.

Q. Do you believe in the present system of appointment of guards, by the warden ?

A. It is the only system that can be successful.

Q. As to the library ?

A. We have two, Catholic and Protestant ; they are conducted generally under a supervision of the chaplains ; they are maintained by appropriation of the Government.

Q. Do you appoint the warden's clerk ?

A. Yes, I do not believe in convict labour for those purposes. I keep an hospital overseer, who is in charge of drugs, he is not a convict, he is under the direction of the surgeon.

Q. Does he do any prescribing ?

A. No, the doctor does that ; the overseer is a man of some experience.

Q. As to the library, do you think the encouragement of reading has a good effect ?

A. Yes, I think so.

Q. What time are your lights put out ?

A. At nine o'clock ; we go to work ordinarily at seven o'clock, sometimes a little later in winter.

TABLE, shewing the punishments awarded in the Kingston Penitentiary, during the year ended 30th June, 1885.

MONTHS.	Number in Dark cells.	Number in Solitary cells.	Number lost Remission.
1884.			
July .....	4	.....	5
August .....	11	.....	14
September .....	4	.....	4
October .....	15	1	17
November .....	9	.....	7
December .....	13	.....	8
1885.			
January .....	8	1	7
February .....	9	.....	3
March .....	13	.....	5
April .....	10	.....	7
May .....	26	.....	15
June .....	10	1	3
	132	3	95

PORTSMOUTH, Ontario, 23rd Sept. 1885.

## KINGSTON PENITENTIARY.

## DIETARY.

MEALS.	Meat.	White Bread.	Brown Bread.	Coffee or Tea.	Sugar.	Soup.	Potatoes.
	oz.	oz.	oz.	pints.	oz.	pints.	oz.
BREAKFAST:—							
Coffee or tea, cold meat, including bone .....	4	12	.....	1½	½	.....	.....
DINNER:—							
Meat, including bone .....	8	8	1	.....	.....	1½	16
SUPPER .....	.....	12	.....	1	½	.....	.....
Total daily allowance per convict .....	12	32	1	2½	1	1½	16

Occasionally, pork, mutton, and fish are given, attending with beef, which is our aiding meat.

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ANSWERS TO CERTAIN QUESTIONS IN CONNECTION WITH VISIT  
OF CENTRAL PRISON COMMISSIONERS TO THE KINGSTON  
PENITENTIARY.

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KINGSTON, September 29th, 1885.

In answer to certain questions by Mr. O'Sullivan, made after an inspection of the cells, workshops, etc., the warden stated as follows :

Q. From your long experience as warden in this penitentiary, what time would you recommend as most suitable hour for the surgeon to visit a prison ?

A. From ten to twelve in the forenoon.

Q. State briefly the position the surgeon occupies in your prison ; 1st, as to allotting the prisoner to a particular labour ; 2nd, as in charge of the hospital ; 3rd, as to prisoners in the dark cell, and punishment generally ?

A. 1st. The surgeon must determine the physical ability ; 2nd. The surgeon has full professional control ; 3rd. These are under the surgeon's supervision.

Q. Have you anything further to add as to the desirability of the prisoners taking their meals in association, besides what you stated to the commissioners a few days ago ?

A. 1st. It implies confidence, at all events, in the better class of convicts. 2nd. It impresses them that I have no fear, and confidence in my ability to control. The cell system, in my opinion, indicates the opposite.

Q. What regulations have you as to admitting prisoners to chapel on Sunday ?

A. All who are able must attend divine service on Sunday ; those who are undergoing punishment have not this privilege.

Q. How are the chaplains and those superintending them admitted to the prison ?

A. Being known to the officers at the gate, they have unrestricted liberty to enter when they please ; substitutes, by making themselves known as such, have the same liberty ; no passes are used.

Q. Describe to me more particularly the dark cell and the dungeon, as to the size, light, air, and ventilation ?

A. Dark cell, 8 feet long,  $3\frac{1}{2}$  feet wide, and  $6\frac{1}{2}$  feet high ; dungeon, 10 feet long,  $6\frac{1}{2}$  feet wide, 7 feet high. No light whatever in either ; ventilation satisfactory ; the dungeon more dreaded than dark cell.

Q. As a surgeon and warden, what do you regard as the evil effect of any lengthened confinement in a dark cell ?

A. This can only be determined by circumstances. The opinion of the surgeon would guide me in each individual case.

Q. What do you consider as the minimum amount of food, that a person so confined should get ?

A. Our plan is to give, daily, sixteen ounces of bread and an unlimited supply of fresh water.

Q. State more particularly the case of the men who were confined for the six months you refer to ?

A. These were men who had become so incorrigible and dangerous that nothing short of this would do. They had been so treacherous, and violated all promises, and so repeatedly

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betrayed confidence, that safety for other prisoners, as well as officers, demanded their continued confinement. They had one square meal a day, and the grated door only closed upon them during daylight.

Q. How do you deal with a prisoner who answers that he is willing to go to work, to do the best he can, but complains that his task is too much? Would you take his answer?

A. I would take his answer as to willingness, and refer to the surgeon as to his physical ability.

Q. Taking one month with another, what is the average, with your population, of dark-cell punishments?

A. From June, 1884, to June, 1885, inclusive, we had a total of 141; monthly average, 11 9-12, and as to population, a little over two and a-half per cent. a month. During the same period, there were three solitary cell, or dungeon punishments.

Q. What is your view as to talking amongst prisoners, and slight offences generally?

A. In such a system as ours, I do not think absolute silence can be enforced. Unless talking was aloud, I would not notice it; (2) slight offences I would admonish; repetition would involve punishment.





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# COMMISSION OF ENQUIRY.

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## CENTRAL PRISON INVESTIGATION.

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### REPORT OF COMMISSIONERS.

J. S. SINCLAIR,  
J. W. LANGMUIR, } Commissioners.  
D. A. O'SULLIVAN, }

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TO THE HONORABLE JOHN BEVERLEY ROBINSON,  
Lieutenant-Governor of the Province of Ontario.

We, your Commissioners, appointed under your commission hereinafter mentioned, beg to report to you in pursuance of the same, as follows :

### COMMISSION OF ENQUIRY.

In the matter of an enquiry into certain charges preferred against James Massie, Warden of the Central Prison, at Toronto ; and as to whether cruelty had been practised by the said Warden upon prisoners, or excessive punishment administered, or whether partiality had been shown to different classes of prisoners ; and generally into the modes and methods of punishment in the said prison and elsewhere.

JOHN BEVERLEY ROBINSON,  
PROVINCE OF ONTARIO.

O. MOWAT, } VICTORIA, by the Grace of God, of the United Kingdom of  
Attorney-General. } Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

To James Shaw Sinclair, Esq., Judge of the County Court of the County of Wentworth ; and John Woodburn Langmuir, and Dennis Ambrose O'Sullivan, of the City of Toronto, Esquires, Our Commissioners in this behalf.—GREETING :—

*Whereas*, in and by chapter seventeen of the Revised Statutes of Ontario, it is enacted that whenever the Lieutenant-Governor in Council deems it expedient to cause enquiry to be made into and concerning any matter connected with the good government of this Province, or the conduct of any part of the public business thereof, or the administration of justice therein, and such enquiry is not regulated by any special law, the Lieutenant-Governor may by the Commission in the case confer upon the Commissioners or persons by whom such enquiry is to be conducted, the power of summoning before them any party or witnesses, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioners deem requisite to the full

investigation of the matters into which they are appointed to examine, and that the Commissioners shall then have the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any court of law in civil cases.

*And whereas* it has been made to appear that, charges from time to time have been made through the newspaper press, and otherwise, against James Massie, Esquire, Warden of the Central Prison for the Province of Ontario, of cruelty towards, and of ill-treatment and excessive punishment of, persons confined in the said Central Prison as prisoners, and of partiality in the treatment of different classes of the aforesaid prisoners.

*And whereas*, certain charges were also made in the Legislative Assembly of the said Province, of cruelty towards, and of ill-treatment and excessive punishment of, certain prisoners confined in the said Central Prison, namely :—one O'Neill, one McGraw, one M. Wynne, one Coughlan, one Johnson, the Mullhollands, one Fay, one Alexander Nicholson, and one William Gifford.

*And whereas*, under the circumstances, the Lieutenant-Governor of our said Province in Council deems it expedient that an enquiry should be made into the truth of said charges, and as to whether cruelty has been practised by the said Warden upon prisoners, or excessive punishment administered, or whether partiality has been shown to different classes of said prisoners, and generally into the modes and methods of punishment in the said Central Prison and elsewhere.

*Now know ye* that we, having and reposing full trust and confidence in you, the said James Shaw Sinclair, you the said John Woodburn Langmuir, and you the said Dennis Ambrose O'Sullivan, *do hereby*, by and with the advice of our Executive Council of our said Province, *appoint* you, the said James Shaw Sinclair, you the said John Woodburn Langmuir, and you the said Dennis Ambrose O'Sullivan, or any two of you, *Our Commissioners* in this behalf, to make full enquiry in respect of the truth of the aforesaid charges, or any of them, and generally as to the modes and methods of punishment adopted in the said prison and elsewhere; *and we do hereby confer* upon you, Our said Commissioners, or any two of you, full power and authority to summon before you any witness or witnesses, and to require him or them to give evidence upon oath, orally or in writing, (or on solemn affirmation, if such witness or witnesses is or are parties entitled to affirm in civil matters), and to produce to you, Our said Commissioners, such documents and things as you may deem requisite to the full investigation of the premises, *together* with all and every other power and authority in the said Act mentioned and authorized to be by us conferred upon any Commissioner or Commissioners appointed by authority or in pursuance thereof.

*And we do appoint* you, the said James Shaw Sinclair to be the Chairman of the said Commission.

*And we do authorize* any two of you, the said Commissioners, to act at any time in respect of any of the matters coming within the terms of this Commission.

*And we do require* you, our said Commissioners, forthwith after the conclusion of such enquiry to make full report to us, touching the said investigation, together with a return of all evidence taken by you concerning same.

*To have, hold and enjoy* the said office and authority of Commissioners for and during the pleasure of Our said Lieutenant-Governor.

*In testimony whereof* we have caused these Our letters to be made patent, and the Great Seal of Our said Province of Ontario to be hereunto affixed.

WITNESS.—The Honorable John Beverley Robinson, Lieutenant Governor of Our Province of Ontario, at Our Government House, in Our City of Toronto, in Our said Province, this sixth day of July, in the year of Our Lord one thousand eight hundred and eighty-five, and in the forty-ninth year of Our reign.

By Command,

ARTHUR S. HARDY, Secretary.

*And whereas*, in pursuance of the said Commission, and in due execution thereof, your Commissioners duly met at the City of Toronto, on the tenth day of July, A. D. 1885, and determined to open the said Commission for the preferment of charges, the hearing of evidence, and all other matters within the scope of said Commission on the twentieth day of July aforesaid, at three o'clock in the afternoon of the same day, at the Court House, on Adelaide street, in the City of Toronto.

*And whereas*, your Commissioners caused to be published in the various daily newspapers that were then published in the City of Toronto, the following notice:—

“In pursuance of a Commission issued by the Lieutenant-Governor of the Province of Ontario, under the provisions of chapter seventeen of the Revised Statutes of Ontario, and dated the sixth day of July, A. D. 1885, to the undersigned, James Shaw Sinclair, John Woodburn Langmuir, and Dennis Ambrose O'Sullivan, as Commissioners, to enquire into the truth of certain charges from time to time made in the newspaper press and otherwise against James Massie, Warden of the Central Prison for the Province of Ontario, of cruelty towards and of ill-treatment and excessive punishment of prisoners confined in said Central Prison, as prisoners, and of partiality in the treatment of different classes of such prisoners, and of certain charges made in the Legislative Assembly of the said Province, of cruelty towards and of ill-treatment and of excessive punishment of certain prisoners in said Central Prison, named O'Neill, McGraw, M. Wynne, Coughlan, Johnson, the Mullhollands, Fay, Alexander Nicholson and Wm. Gifford, and, generally into the modes and methods of punishment in the said prison and elsewhere; and forthwith after the conclusion of such enquiry to make full report to the said Lieutenant-Governor in Council, touching the said investigation, together with a return of all evidence taken by the Commissioners concerning the same.

“We, the said Commissioners, hereby appoint Monday, the twentieth day of July, A. D. 1885, at the hour of three of the clock in the afternoon of the same day, at the Court House, on Adelaide street, in the City of Toronto, for the opening of the said Commission and proceeding with the enquiry thereunder, according to the terms of the said Commission; and we hereby notify all persons interested in the said enquiry to be present at the said time and place with such testimony or evidence, oral or otherwise, as they or any of them may propose to adduce in support of, or in contradiction of, said charges, or otherwise in any way or manner referring to, or in anywise connected with, the subject of said enquiry or any part of it.”

Dated this tenth day of July, in the year of our Lord one thousand eight hundred and eighty-five.

J. S. SINCLAIR,	} Commissioners.
J. W. LANGMUIR,	
D. A. O'SULLIVAN,	

#### PROCEEDINGS AND EVIDENCE TAKEN BEFORE THE COMMISSION.

*And whereas*, on the said twentieth day of July, A. D. 1885, and in pursuance of said notice, all of your commissioners sat with the formalities of a Court of Record at the time and place appointed, when, after all due formalities were complied with and fixed, and the necessary means for obtaining the evidence of the witnesses prescribed, the several parties interested were represented by the following counsel:—

Æmilius Irving, Esq., Q. C., on behalf of the Government of the Province of Ontario.  
John Idington, Q. C., and Wallace Nesbitt, Esq., on behalf of James Massie, the Warden of the Central Prison.

Nicholas Murphy, Esq., and C. L. Mahoney, Esq., for the Irish Catholic Benevolent Union.

*And whereas*, after some discussion by counsel, your commissioners determined that the personal charges made against James Massie, who will hereafter be described herein as “The Warden,” should be formulated, that due time should be given therefor, and that a



copy of such charges should be given by Mr. Murphy to the other counsel by a certain time thereafter, your commissioners adjourned the further execution of the said commission until the twenty-seventh day of July, 1885, at eleven of the clock in the forenoon.

*And whereas*, after the rising of the commission on the said twentieth day of July aforesaid, namely, on the twenty-third day of said month of July, your commissioners, after hearing the suggestion of counsel, deemed it prudent and necessary for the proper execution of the commission and the better understanding of the testimony that might be given, personally to visit the prison, and there gain from personal observation a better knowledge of the situation of prisoners confined in the said prison, their treatment, and the methods of punishment adopted, and of all other matters within the scope of the commission, which they did on that day.

*And whereas*, the members of your commission assembled such of the whole prison population as could attend, in the large prison hall, excluding therefrom all officers of the prison, when your commissioners informed the prisoners of the motive of the enquiry upon which they were engaged, and that the chief object of their visit was to secure a short statement of the nature of the complaints which any of them had to make against the Warden or any officer of the prison, and the name of such prisoner; that they need have no fear of any unjust consequences to them of their communications, and that the freest expression of complaint was desirable. All due facilities having been offered the complainants (who numbered about sixty), for communicating to your commissioners the nature of their complaints, and being warned to make them with truthfulness, we received the complaint of each with his name or other means of identification.

On the re-assembling of the commission, on the twenty-seventh day of July, 1885, your commissioners communicated to counsel what they had done in that respect, and remarked that the names of all prisoners who had made complaints would be given to counsel if required; and that any whom counsel did not think proper to call, would, if your commissioners deemed their attendance of public importance, be called by the commission.

The charges already spoken of against the Warden and the management of the prison were then handed in by Mr. Murphy, and are as follows:—

CHARGES TO BE BROUGHT AGAINST WARDEN MASSIE OF THE  
CENTRAL PRISON, AND THE MANAGEMENT OF THE CENTRAL  
PRISON, BEFORE THE COMMISSIONERS, ON THE 30TH DAY OF  
JULY, 1885. TO BE SUPPLEMENTED BY OTHERS.

*Charge one.*—That through the negligence and incompetence of the Warden and officers of the Central Prison, diseased salt beef was for a long time served out to the prisoners, materially injuring their health, until the prisoners refused to eat the meat, and it was given to the pigs; that the matter was called to the attention of the Warden, and although the doctor of the prison, in July, 1883, reported the meat unfit for use, the diseased meat was served out to the prisoners for several days afterwards, contrary to the doctor's direction and report; that upwards of 140 dishes of the said meat were refused in one day by the prisoners, while those prisoners who partook of the meat were seized with vomiting after eating it.

*Charge two.*—That the Warden falsified the books of the said Central Prison, and directed the keepers of said books not to enter in them any punishments inflicted by him, except when prisoners were sentenced to the dark cell, irons, or flogging; that was in direct contravention of rule 22, sub-section 2, of the Prison Regulations. In consequence of this omission, the Inspector of Prisons was not aware that many prisoners had been confined for weeks and months in their cells on bread and water diet, and deprived of their bed, and furnished with only one blanket even in the winter time. The same falsification occurs in the monthly returns, required by sub-section 2 of Rule 23, to be made by the Warden to the Inspector of Prisons; that other falsifications were made by Daniel F. McCarthy, Charles Cogan, James Hamilton, and Frank Morrison, under the express



instructions of the Warden; that in furtherance of said falsification and omission to enter sentences in punishment book, and to conceal the same, prisoners confined to their cells on bread and water, without bed, were released from their cells on the day when the Inspector would visit the prison to inspect the same; and after the departure of the Inspector were sent back to their cells to serve out their punishment.

*Charge three.*—That contrary to the prison regulations, prisoners were locked up in their own cells on bread and water, and without bed, on the mere verbal report of the guard, and without their cases being investigated, and no entry of such punishment was made in the punishment book.

*Charge four.*—That prisoners have been punished on the unsupported charge of a prisoner, contrary to the rules.

*Charge five.*—That for a long time the prisoners were not allowed on Sunday morning or at noon to take their buckets to their cells, that, in order to escape punishment, after obeying the imperative calls of nature, they were obliged to use the dishes they ate from as a receptacle for their filth, and cover the contents with potato peelings, etc.,—said dishes, being afterwards used for carrying their food.

*Charge six.*—That the pictures of the Virgin and our Saviour as well as rosaries and crucifixes were, by order of the Warden, removed from the cells of Catholic prisoners, and burned.

*Charge seven.*—That the Catholic chaplains were refused admittance to the prison without a pass from Warden Massie, and that said refusal was made by his instructions, whilst laymen of other denominations, who went to administer spiritual consolation to the prisoners, were admitted freely without a pass. In one case, two of such laymen were admitted without a pass, in the presence of the Catholic chaplain, who had to stand patiently at the door awaiting a pass from the Warden.

*Charge eight.*—That the Warden confined John Mahony, a Catholic, for 23 days on bread and water, without a bed, without any charge whatever having been made against him, verbal or otherwise. That the Warden has shown a marked distinction in his treatment of Catholic and Protestant prisoners, both during their stay in the prison and at the time of their discharge; so much so that Catholic prisoners, sent for a second term, have declared themselves to be Protestants, in order to secure the better treatment afforded to prisoners of that denomination.

*Charge nine.*—That the Warden and officers have been guilty of cruel and inhuman treatment of boys, by requiring them to perform work unsuited to their strength and ability; and when the tasks so imposed were not performed, have punished the boys with the dark cell, bread and water diet, and deprived them of their beds for a considerable period.

*Charge ten.*—That prisoners have been so starved when undergoing punishments in their cells, on bread and water diet, that they have begged the Warden and guards for food; have called at the doors of their cells for food when other prisoners were going to meals, and in their desperation have tried to tear down the iron doors of their cells.—After the expiration of their unrecorded sentences, they have rushed to the refuse barrels of the prison and eaten the refuse, until removed by the guards.

*Charge eleven.*—That for a long time the Catholic choir was not allowed the same privileges of practising as the Protestant choir; and it was only after a strong representation to Warden Massie that equal privileges were allowed to the Catholics.

*Charge twelve.*—That healthy prisoners were obliged to bathe in the same water that had been used by syphilitic prisoners; and that the towels were only furnished to the prisoners once a week, viz: on Friday, while Saturday was the general bath day in the prison. That the prisoner after using his towel as a body towel on Saturday had to use it for all purposes until the next Friday.

*Charge thirteen.*—That the stuff furnished to the Central Prison, and the proceeds of the labour of the prisoners; and the produce of the land tilled by the prisoners, have been used for the personal benefit of Warden Massie and Inspector Christie.

*Charge fourteen.*—That the perquisites of the Warden are excessive and amount in value to nearly as much as his salary.

*Charge fifteen.*—That the Warden has been guilty of undignified and ungentlemanly conduct when dealing with prisoners and with guards, having shaken his fist in a threatening manner in the faces of several, and having used towards them the epithet "scoundrels," and other abusive language.

*Charge sixteen.*—That the guards had been punished by the Inspector without any investigation of the charges made against them.

*Charge seventeen.*—That the Warden had stated that he cannot govern the prison properly, so long as the Government supplied him with Catholic guards.

*Charge eighteen.*—That since the Government has ordered this investigation, the Warden has told Catholic guards, whom he knew were to be called as witnesses upon the investigation, that "he would soon have them (the said guards), kicked out."

*Charge nineteen.*—That prisoners undergoing punishment have not been allowed to attend religious service on Sunday, and have been deprived of the privilege of seeing their clergymen.

*Charge twenty.*—That Catholic prisoners are insulted by those placed in authority over them, by talking in their presence of Catholic institutions in the most abusive way, imputing immorality to the inmates of those institutions, and speaking generally of them in a defamatory manner.

*Charge twenty one.*—That the food furnished to the prisoners generally was, and is, of an unwholesome description and bad. That the blankets in general use were unclean, and have been for so long a time that they have occasioned the spread of vermin among the prisoners.

*Charge twenty-two.*—That while the pictures, rosaries, crucifixes, etc., as mentioned in charge number six, were removed from the cells of the prisoners in the Catholic wing, tracts were freely distributed in the Protestant wing, and were also distributed in the Catholic wing, although not asked for or wished by the inmates of that wing.

*Charge twenty-three.*—That while the Catholic chaplains have been refused admittance without a pass, as set out in charge number seven, visitors prompted merely by curiosity have been allowed the access to the prison, and to all parts of it, to the great annoyance and shame of the prisoners.

*Charge twenty-four.*—That some prisoners have become insane through the cruel treatment of the Warden and officers of the prison, while insane men have been subjected to punishment and diet unsuited to their condition; that several insane prisoners have died in the asylum shortly after their removal from the prison.

*Charge twenty-five.*—That the Warden is guilty of speaking injudiciously of his superiors, and of bringing them into contempt in the presence of the guards and prisoners, alleging that he wished for the overthrow of the Ontario Government, because they did not govern the country, but the Archbishop of Toronto did.

*Charge twenty-six.*—That prisoners generally have been excessively punished, ill-treated, and assaulted, and imprisoned by the guards and Warden.

*Charge twenty-seven.*—That the cause of the death of some of the prisoners can be remotely traced to the inhuman treatment received in the prison, and the certificates of death have been falsified by the Warden, and the disease occasioning death concealed.

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The investigation of the charges was then proceeded with, upon the express understanding that the commission, of their own mere motion, might examine any witness or witnesses not called by any party to the enquiry.

Your commissioners sat at the time and place appointed, almost uninterruptedly, in taking evidence, from the twentieth day of July until the twenty-eighth day of August,

1885, during which time 190 witnesses were examined and re-examined, and other testimony, *viva voce* and documentary, adduced, all of which will be found in the five volumes of evidence as taken down by the Government stenographers and returned herewith.

Your commissioners propose first to deal with the subjects of

#### PUNISHMENTS AND DEPRIVATIONS.

To devise such a system of punishments for the infraction of rules and the enforcement of wholesome discipline in penal and reformatory institutions as will at once be effective in its results, and at the same time humane in its character and methods, is one of the most difficult problems in prison management. There is perhaps no feature in the advanced civilization of the past century so strongly marked with progress and reform as the subject in question : yet, notwithstanding the correction of the most flagrant abuses and the almost entire abolition of cruel practices in the domiciliary treatment of criminals, the fact remains that, in order to maintain good government in prisons disciplinary punishments of some kind or another must be resorted to. Whatever Utopian arguments may be advanced to the contrary, the efficient working of all sound methods of prison government requires, on the part of the prisoners, unhesitating and implicit obedience ; failing which, disciplinary punishment must promptly follow.

Such being the case, it is of vital importance before adopting any forms of punishment, that they should be most carefully considered, so that only such should be allowed as are actually needed for the effective government of the prison, and that their methods shall come strictly within the lines of humane treatment. To determine whether such a system of punishments has been introduced into the government of the Central Prison is one of the most important duties devolving upon your commissioners.

That uniform methods of disciplinary punishment and deprivation, applicable alike to all prisons, can be devised and carried out, is a proposition that cannot be maintained. The varying conditions in respect to periods of sentence, nature of employment, and general character of the prisoners to be dealt with, must be minutely considered in determining a system that will prove effective in its results.

Your commissioners, in the course of their extended enquiry, obtained the fullest information in respect of the system of punishment adopted in the Central Prison, as well as the various conditions under which it is administered. Having become possessed of this information, they have the more fully realized the necessity of instituting a comparison of the Central Prison system with that existing in some of the best-conducted prisons in the United States, in order that they might more intelligently determine and report, as required under the terms of the commission issued to them, whether cruelty has been practised and ill-treatment and excessive punishment administered in that institution.

In furtherance of this, and at the request of the Government, your commissioners visited thirteen State and Municipal Prisons in the United States, as well as the Dominion Penitentiary, at Kingston, and very closely observed the working of these establishments and minutely enquired into the modes and methods of punishment that obtained in each. That the result of these enquiries may be fully and clearly exhibited, your commissioners have prepared the following tabulated form, showing the prisons visited and their location ; the average number of prisoners, the periods of sentence, the employments carried on, and the methods of punishment in existence in each prison.



NAME AND LOCATION OF PRISON.	AVERAGE NUMBER OF PRISONERS.	PERIODS OF SENTENCE.	EMPLOYMENT OF PRISONERS.	PUNISHMENTS AND DEPRIVATIONS.
State Prison, Jackson, Michigan.....	736 men.	From six months to life.	The manufacture, under contract system, of waggons, agricultural implements, cigars, brooms, etc.	Flogging on posterior, with leather strap, 2½ inches wide, attached to a handle about 18 inches long. Handcuffing to sliding plank, by which prisoner can be raised by his hands and let down instantaneously. Confinement to an ordinary cell, pending consideration of complaint. Handcuffing to cell door from 5 to six hours. Forfeiture of good conduct time remissions. Deprivation of ordinary privileges, such as tobacco allowance, use of library, letter writing, etc. Confinement for an indefinite period to a solitary cell on bread and water diet. Confinement to solitary cell, and handcuffed during day to cell gate. Wearing chain and ball for attempts to escape. Deprivation of ordinary privileges, including tobacco. Forfeiture of good conduct time remissions.
Illinois State Penitentiary, Joliet, Ill.....	1550 men.	One year up to life.	Stone-cutting, boot and shoemaking, cooperage, granite and monumental works, knitting, wire-drawing, harness making; all of which are carried on under the contract system.	Use of the strap or paddle, but very rarely. Handcuffing to sliding plank. Use of hose with very refractory prisoners. Confinement to an ordinary cell for an indefinite period, on a bread and water diet. Standing on a box in view of the whole shop. Forfeiture of good time remissions. Fine of a portion of earnings. Deprivation of ordinary privileges, including tobacco.
Ohio Penitentiary, Columbus, Ohio.....	1513 men. 27 women.	One year to life periods.	Harness, hardware, agricultural implements, wheel and nut cases, barrels, chairs, stoves, etc., of which a portion is carried on under contract and some by the State.	Confinement to a semi-dark cell for an indefinite period, or until he submits to the rules, on a bread and water diet. For very refractory prisoners the same kind of confinement, but handcuffed to a ring in the wall as high as the breast, where they stand during the day. Confinement to an ordinary cell for an indefinite period. Reduction in diet. Forfeiture of good conduct remissions. Deprivation of privileges, including tobacco.
Western Penitentiary of Pennsylvania, Alleghany City, Pennsylvania.....	746 men.	From one year to life (a few under a year.)	Shoemaking, cigar-making, broom, iron work, machinery; all under the contract system.	

Eastern Penitentiary of Pennsylvania Philadelphia, Pa. ....	1041 men. 29 women.	From one year to life.	Shoemaking, chain-making, cigar-making, weaving, etc.; all carried on on State account.	Removing all cell furniture and bed and bedding, and placing on a bread and water diet. Withdrawal of ordinary rations, and giving only bread and water until submission is obtained. Withdrawal of ordinary privileges, including tobacco. Leaving obstinate prisoners entirely alone, giving them no work and little food until they submit.
New Jersey State Prison, Trenton, New Jersey .....	813 men. 30 women.	From six months to life.	The contracts had all expired, but new contracts were being entered upon on the piece system, for the manufacture of boots and shoes, brushes, shirt collars and hosiery.	Confinement to the dungeon until submission, not to exceed six days. Do. for very refractory prisoners, in irons. Confinement to ordinary cell for an indefinite period. Placing a prisoner in a prominent place as a degradation. Forfeiture of good conduct time remissions. Deprivation of privileges and tobacco. Partial cutting off of rations. Confinement in dark cell for an indefinite period, on a bread and water diet. Handcuffing to sliding plank. Confinement to an ordinary cell on bread and water diet. Forfeiture of good remissions. Deprivation of ordinary privileges, including tobacco. Solitary confinement in a dark cell on a bread and water diet, until the prisoner is reduced to submission. Confinement to an ordinary cell for a day or two on bread and water. Forfeiture of good conduct remissions. Deprivation of ordinary privileges, including tobacco.
Sing Sing State Prison, New York. ....	1570 men.	One year up to life.	Manufacture of stoves, boots and shoes, laundry work, — all carried on under the contract system.	
Auburn State Prison, Auburn, N. Y. ....	884 men.	One year to life.	Boots and shoes, horse collars, harness, under the contract system.	
New York State Reformatory, Elmira, N. Y.	about 700 men.	Prisoners are committed to this Reformatory, the court neither determining nor naming the sentence. Duration of imprisonment is dependent on the conduct of the prisoner, and evidence of reformation, but cannot be longer detained than the maximum period fixed by law for the crime committed.	Stoves, hollow ware, boots and shoes on the contract system, and brush making and other work on State account.	Confinement for the maximum time allowed by law for the crime committed, instead of for a short period, if conduct good. Degradation from a higher to a lower grade in prison. Forfeiture of advancement to a higher from a lower grade. Deprivation of certain privileges consequent upon degradation. Flogging with a leather strap on posterior. Confinement to an ordinary cell occasionally.
Dominion Penitentiary, Kingston, Ont. ....	486 men. 41 women.	From two years to life.	Quarrying, stone, stone-cutting, masonry, carpentering, shoemaking; all on prison account, and lock-making under contract system.	Flogging for serious offences. Confinement to dungeon for an indefinite time for aggravated offences. Confinement to dark cell on bread and water diet for an indefinite time, until surgeon orders removal. Forfeiture of good time remissions. Forfeiture of ordinary privileges, including tobacco.



NAME AND LOCATION OF PRISON. —(Continued.)	AVERAGE NUMBER OF PRISONERS.	PERIODS OF SENTENCE.	EMPLOYMENT OF PRISONERS.	PUNISHMENTS AND DEPRIVATIONS.
Detroit House of Correction, Detroit, Mich.	460 men. 80 women.	From 30 days to six months, for municipal prisoners. State prisoners, 60 days to one year. United States prisoners, up to five years.	Chair making, in all its branches carried on on prison account.	Dark cell, handcuffed to a ring until good conduct is restored, on a bread and water diet. Confinement in an ordinary cell on bread and water for a day or so. Standing prisoners in a prominent place as a degradation. Forfeiture of good record remission sentence. Deprivation of meals and put on bread and water. Deprivation of ordinary privileges, including tobacco. Wearing a leg shackle while at work.
Albany County Penitentiary, Albany, N. Y.	882 men. 114 women.	Municipal prisoners, three days to six months. State prisoners, up to five years.	Shoemaking and brushmaking under the contract system.	Confinement to a dark cell for an indefinite time on a bread and water diet. For very refractory prisoners, confinement to a dark cell on bread and water, and handcuffed to a ring. Deprivation of ordinary privileges, including use of tobacco. Forfeiture of good record remission of sentence for prisoners sentenced to over a year.
New York City Penitentiary, Blackwell's Island, N. Y. . . . .	1570 men.	From one month to life.	Making everything that is required for the Blackwell Island institutions.	Confinement in a dark cell on bread and water diet, from one to ten days. Confinement to an ordinary cell for an indefinite time, or until submissior, on a bread and water diet. Shackling a prisoner who attempts to escape. Forfeiture of good conduct time remissions. Depriving of meals. Depriving of other privileges and tobacco.
Alleghany County Workhouse, Claremont, Pennsylvania . . . . .	517 men. 112 women.	From 20 days up to two years, but may be sentenced for six years on three charges.	Cooperage, broom making, brush making, knitting and laundry work, — all carried on on prison account.	Dark cell on bread and water for an indefinite time, and until prisoner submits. Confinement to an isolated cell in yard for very refractory prisoners. Confinement to an ordinary cell for an indefinite time on bread and water. For prisoners who will not work, no food and no water until they do. Deprivation of ordinary privileges and tobacco. Depriving of ordinary rations, and given only bread and water.

From the foregoing summaries, it will be seen that your commissioners visited eight State prisons, where the periods of sentence varied from six months to life periods; one State reformatory, where the terms of sentence are not definitely stated; the Dominion Penitentiary at Kingston, where prisoners are sentenced from two years to life, and four Municipal, or County prisons in the United States, where the periods of sentence vary from three days up to two years.

Having thus tabulated the result of our personal observation and enquiry in other prisons in respect to the matters embraced in the preceding form, the commissioners will now give, in a more extended shape, the same information in regard to the Central Prison, in order that a comparison may be made of the systems of punishment and deprivations in the respective prisons.

*Firstly.*—The objects which the Central Prison were designed to meet, are plainly specified in the preamble of the Act calling the establishment into existence, as follows:—

“Whereas, from defective construction, insufficient accommodation, both as regards internal arrangements and exterior surroundings, the entire absence of the means of enforcing hard labour, the want of an adequate staff of officers and other causes, it is found that the common gaols of this Province, and the present system of prison administration has little, if any, deterrent or reformatory influence on prisoners; and whereas, it is expedient to remedy these and other defects, and at the same time make provision for more effective discipline, a better classification of prisoners, as well as for their religious instruction, by the establishment of a prison of a character intermediate between the common gaols and the Dominion Penitentiary; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:”—etc.

The objects thus indicated may be summarized as follows:—First, the establishment of a prison intermediate between the common gaols and the Provincial Penitentiary, where prisoners can be sent, whose offences are, in the opinion of the judiciary, not of a sufficiently flagrant character to warrant committal to the penitentiary, or if of a serious nature, are attended with extenuating circumstances. Second—To permit of the transfer from common gaols of the worst class of sentenced prisoners as well as habitual offenders to a separate establishment specially designed for them, where under a strict and rigid course of discipline, prison custody might act as a deterrent. Third—In order that the sentence of imprisonment with hard labour might be rigidly enforced, as until the establishment of the Central Prison such sentence was a dead letter, so far as it related to common gaol imprisonment.

*Secondly.*—The law provides that prisoners may be sentenced to the Central Prison for periods of two months up to two years, and that all prisoners who have been sentenced to the common gaols for a period of fourteen days and upwards may also, by order of the Provincial Secretary, be transferred to such prison.

*Thirdly.*—The number of prisoners confined in the Central Prison varies from 300 to 400.

*Fourthly.*—The prisoners are employed in the manufacture of brooms and wooden ware products, under the contract system, and in making bricks, boots and shoes, clothing, and farming and gardening operations on Government account.

*Fifthly.*—The system of punishment and deprivations is given in the following regulations, which were framed by the Inspector of Prisons and approved by Order-in-Council, dated March 23rd, 1877.

#### BY-LAW.

In conformity with the provisions of 34 Vic., chap. 17, sec. 7, the Inspector of Prisons and Public Charities, with the consent and approval of the Lieutenant-Governor in Council, enacts in respect to disciplinary punishment in the Central Prison of Ontario, as follows:—

1. No punishments or deprivations of any kind shall be awarded in the Central Prison, except by the Warden, or in his absence from duty, the Deputy-Warden or other officer duly authorized by the Inspector to act on behalf of the Warden.

2. The Warden shall cause to be kept a book of record which shall be written up daily, shewing all complaints against prisoners for offences or improper conduct committed in the Central Prison, giving the date upon which such offence was committed, the name of each prisoner implicated, the nature of the offence, or of such improper conduct, the punishment awarded for the same, the date of punishment, the signature of the officer making the complaint, and the signature of the officer who saw such punishment carried out, or by whom it was inflicted. The Warden shall fill up the column in said book awarding the sentence or punishment for every such offence, and shall sign the same.

3. No complaint of any officer or guard against any prisoner shall be entertained by the Warden until it is recorded in such punishment book and signed by the officer making the complaint; and no punishment shall be inflicted until the Warden has fully enquired into the matter and recorded the punishment that is to be awarded or inflicted in the proper column of the punishment book, and signed the same.

4. The deprivations or punishments that may be awarded by the Warden shall be as follows :—

(a) Deprivation of a meal or meals, of a library book and candle for reading it by in the cell, or of some other such privilege ordinarily enjoyed by all well-behaved prisoners.

(b) Confinement in an ordinary cell, the bedding having been removed therefrom, during which confinement the diet of the prisoner shall be bread and water.

(c) Confinement in the dark cell with bread and water diet.

(d) Confinement in the dark cell with leg irons, and, if necessary, handcuffs.

(e) Punishment by the infliction of the lash.

5. The infliction of punishment by the lash shall only be awarded in extreme cases, and the following offences :—

(a) Attempting to escape, or assisting in such attempts, or having escaped and been recaptured.

(b) Striking an officer.

(c) Continued insubordination by refusing to work, striking another prisoner, fighting, shouting, cursing and notoriously refractory conduct, and for which two previous punishments under clauses *c* or *d* have been awarded, and prisoners warned by the Warden that the third act of such insubordination will be punished by the infliction of the lash.

6. Such corporal punishment shall not be inflicted until the Warden shall have reported all the facts and circumstances calling for such punishment to the Inspector, and shall have received his consent to proceed with the same. Pending such consent, the Warden shall confine such prisoner in his cell, and if refractory, in the dark cell.

7. Corporal punishment shall not be inflicted until the prison surgeon shall have certified under his signature in the punishment book to the bodily fitness of the prisoner to undergo such corporal punishment; and no such punishment shall be carried out except in the presence of the Warden and the prison surgeon, and in no case shall more than fifty lashes be administered.

8. No prisoner shall be confined in the dark cell in irons for a period exceeding twenty-four (24) hours, and during such confinement the irons shall be taken off for one hour at each meal, and if found necessary to sentence to 24 hours of such punishment, the irons shall be taken off for three hours during the night.

9. When a prisoner is under punishment in the dark cell without being in irons, he shall be visited by an officer or guard, at least once in every two hours, and if in irons in the dark cell, at least once every hour of such confinement, and by a prison surgeon at his daily visits.



10. The Warden shall make a detailed return monthly to the Inspector of all punishments or deprivations awarded to prisoners under the provisions of this by-law.

In addition to the foregoing regulations, there is also a clause bearing upon the subject in the general regulations (Sec. 221, sub-sec. 18) viz :—

“Punishments will be resorted to as rarely as necessity will admit; the regulations of the prison are, nevertheless, to be observed and maintained inviolate, and all infractions thereof, or any resistance to the lawful commands and authority of the guards, will subject the offenders to solitary confinement and to be placed in irons at the discretion of the Warden; and the Warden is authorized to employ the use of weapons by the prison guards to put down insurrection by force, and to prevent escapes at all hazards from the prison.”

There is also a printed card in every cell, giving the rules to be observed by the prisoner, commencing with the injunction and the warning that “the first duty of every prisoner, is strict obedience, and it will be to his interest to obey all rules and regulations,” and winding up with the plain intimation that non-obedience and infraction will be punished.

Having ascertained the various “modes and methods of punishment in the Central Prison and elsewhere,” as directed, your commissioners at the outset desire to record two facts, which in their opinion cannot be too prominently kept in view in this report: First,—That what is required of the prisoners in the Central Prison, in order to avoid punishment, is plainly set before them, as well as the consequences of disobedience. Secondly, that the powers and duties of the Warden in respect of disciplinary punishments are minutely and specifically defined by the regulations. Differing from the latter condition of things in nearly every other prison that your commissioners visited, no by-laws detailing the methods of punishment could be found, in consequence of which, very much greater responsibility is thrown upon the Wardens in the United States prisons, who have almost autocratic powers in regard to the punishment of prisoners.

The Warden of the Detroit House of Correction states in his evidence that the punishments in that prison are neither authorized by statutes nor regulated by by-law, and that they are entirely within his scope.

The Warden of the State Prison at Jackson, Michigan, stated that the shower-bath and flogging with the lash were prohibited by statute, but that the punishments in practice were not defined by regulation or by by-law.

At Illinois State Prison, Joliet, flogging is prohibited by law, and solitary cells are authorized, but there are no regulations in regard to other punishments and deprivations; they are left to the discretion of the Warden.

The Warden of the Columbus Penitentiary stated that the system of punishments was neither authorized by statute nor defined by law, except that the lash was prohibited by statute.

At the Western Penitentiary, Alleghany, it is provided in the organic law that no cruel or unusual punishment shall be inflicted on the prisoners: and to guard against that, a board of inspectors frame by-laws from time to time in regard to the matter.

At the Claremont Workhouse, there are no regulations, and the punishments are left to the Superintendent.

The Warden of the Eastern States Penitentiary, Pa., stated that he had no system and that the punishment of prisoners was left entirely with him.

At the New Jersey State Prison the statute law defined to some extent the methods of punishment, but there were no regulations, and a great deal was left in the discretion of the Warden or keeper.

The laws of the State of New York prohibit the lash as a disciplinary punishment in the State Prisons, and the Attorney-General recently decided against what is known as the “paddle.” The law, however, authorizes dark cell punishment on short rations until prisoners are reduced to submission and obedience, but there are no detailed by-laws in

the States prisons at Sing Sing, Auburn, nor at the Albany Penitentiary, nor the New York State Reformatory, Elmira, regulating and defining other punishments and deprivations.

The department of Charities and Corrections authorizes and defines the system of punishment at Blackwell Island Penitentiary, New York.

These brief statements respecting the statutory and local regulations relating to disciplinary punishments and deprivations, in the prisons visited in the United States, seem to establish beyond all doubt that the rights of the prisoners are better protected against arbitrary, and possible unjust, punishment in the Central Prison than in any other institution that was visited. Seeing, therefore, that the punishments and deprivations of the Central Prison are so clearly defined by regulations, approved by the Lieutenant-Governor in Council, it now devolves upon your commissioners to report upon the manner in which they have been carried into practice as brought to light by the evidence taken before the commission.

The first clause of the regulations provides that "No punishments or deprivations of any kind shall be awarded in the Central Prison, except by the Warden, or in his absence from duty, the Deputy-Warden or other officer duly authorized by the Inspector to act on behalf of the Inspector." In the list of charges preferred against the Warden of the Central Prison, it is not alleged that this provision of the punishment regulations was violated, and there is no documentary or other evidence to show that any punishment or deprivations have been inflicted except by order of the Warden, or in his absence by the Deputy-Warden.

The second, third, sixth and tenth sections of the punishment regulations, previously inserted, as well as sub-section 2 of the sections 22 and 23, respectively, of the general by-laws, very minutely set forth the manner of keeping the punishment book records and forms that have to be complied with in entering up complaints made against prisoners. These clauses also impose upon the Warden the duty of making full enquiry into the truth of the charges preferred against prisoners, before ordering punishments or deprivations to be executed.

In connection with these provisions of the punishment regulations and of the general by-laws, it is charged "that the Warden falsified the books of the said Central Prison and directed the keepers of said books not to enter in them any punishments inflicted by him, except when prisoners were sentenced to the dark cells, irons or flogging. That this was in direct contravention of rule 22, sub-section 2, of the prison regulations. In consequence of this omission, the Inspector of Prisons was not aware that prisoners had been confined for weeks and months in their cells on bread and water diet, and deprived of their bed, and furnished with only one blanket, even in the winter time; the same falsification occurs in the monthly returns required by sub-section 2 of rule 23, to be made by the Warden to the Inspector of Prisons; that other falsifications were made by Daniel F. McCarthy, Charles Coughlan, James Hamilton, and Frank Morrison under the express instructions of the Warden; that in furtherance of said falsifications and omission to enter sentences in the punishment book, and to conceal the same, prisoners confined to their cells on bread and water without beds were released from their cells on the day when the Inspector would visit the prison to inspect the same, and after the departure of the Inspector, were sent back to their cells to serve out their punishment. That contrary to the prison regulations, prisoners were locked up in their own cells on bread and water diet without bed, on the mere verbal report of the guards, and without their cases being investigated, and no entry of the punishment was made in the punishment book. That prisoners have been punished on the unsupported charge of a prisoner, contrary to the rules.

The gravamen of the foregoing charges may be summarized as follows :

*First*.—That prisoners were punished and no entry made in the punishment book, as required by the rules.

*Second*.—That the Warden falsified the books by not entering all the punishments given, or by only partially entering such punishments.

*Third*.—That the Warden directed others to falsify the books in the same manner.



*Fourth.*—That the returns made to the Inspector, under rules, were also falsified by the Warden, as well as others by his direction.

*Fifth.*—That in consequence of such falsifications and omissions, the Inspector of Prisons was deceived, and was not informed of many punishments that he should have been, under the rules requiring all reported to him in the monthly returns.

*Sixth.*—That prisoners have been punished without an investigation of the causes by the Warden, as well as on the unsupported charge of a prisoner.

With respect to the first of the foregoing charges, the Warden in his evidence states that, when he entered upon his duties as Warden, on the 1st November, 1880, in the absence of definite instructions, he followed the system of entering punishments which had been carried out by his predecessors. That system was to enter every punishment and deprivation in the only book kept for that purpose, which was designated the "punishment book." The Warden stated, however, that after he had been for some time in his office, he undertook to systematize the records, and opened two books—one called the "minute book" and the other the "punishment book." The former contained the report of the guard in respect to the offence committed by the prisoner, and the exact sentence awarded by the Warden for such offence, be it dark cell confinement, ordinary cell confinement, or deprivations of whatsoever nature. In the "punishment book," however, which was posted from the "minute book," was only entered the dark cell punishments. In addition to these two books, a large card envelope is kept for each prisoner, in which is placed, along with all papers, returns and orders in respect to the prisoner, the original report of the guard respecting every offence committed by the prisoners, together with the punishment or deprivation ordered by the Warden, and duly signed by him. These books and records were produced before the Commissioners; and they beg to report that, as a whole, they contained a correct and true record of all the punishments and deprivations awarded to prisoners by the Warden. They have, however, to report further that the Warden neglected to keep the record of punishment and deprivations in the manner provided for in the regulations.

Regarding the second and third charges in the summary, so far as relates to falsifications of the punishment book, your Commissioners have to report that there is no evidence to sustain the charges that the Warden falsified the books, or that he directed others to do so. In copying the offences reported and punishments awarded therefor from the cards into the minute book, and from the minute book into the punishment book, a few trifling changes or omissions were made, but as one or other or all of the records in question contain the exact information, the changes or omissions were in no case falsifications. The defects in the system evidently arose out of the adoption of the plan of keeping three records instead of one, as required by the regulations.

Respecting the charge that the Warden falsified the monthly returns of punishments to the Inspector and instructed prisoners who acted as clerks to do likewise, the Warden in his evidence testifies that when he first entered the service he told the prison clerk to follow on with the system he had been keeping in the matter of reports. He (the Warden) understood that only dark cell punishments had been previously reported. He further stated that he tried to find previous reports that had been made to the Inspector, but could only find that for the month of August, in which no punishments appeared, except commitments to the dark cell. From this he took it for granted that the withdrawal of privileges, ordinary cell punishments or other lighter punishments and deprivations were not included in the system of reporting to the Inspector, and he continued only to report the dark cell punishments. It must be admitted that there is an apparent contradiction in the wording of the tenth clause of the punishment regulations which requires "that the Warden shall make a detailed return monthly to the Inspector of all punishments or deprivations awarded to prisoners" when compared with the wording of sub-section 2 of section 23 of the general by-laws, on which the alleged charge is founded, and which only requires that "a monthly return shall be made of all punishments inflicted." The Warden swears that there was no attempt to suppress any information, and that it was only done through a misconception of the practice followed by his predecessor. In judging of the correctness of this explan-

ation, your commissioners must enquire into the motives that would be likely to prompt such a suppression of facts, and that brings them to consider the fifth charge, "That in consequence of such falsifications and omissions the Inspector was deceived by not being informed of many punishments that took place in the prison." Seeing it is the duty of the Inspector to examine all the books of the prison and to compare the returns made to him with the prison records, it is difficult to conclude that the returns were falsified for the purpose of concealment or deception. The charge that the Warden instructed certain prisoners who acted as clerks to omit certain punishments from the returns to the Inspector with the deliberate intent to falsify and deceive, is altogether too improbable to be credited—more particularly as it rests on the unsupported evidence of a prisoner whose record and motives render him a most unreliable witness.

The two rules referred to in connection with the Warden's report of punishments to the Inspector contemplate a return of "all punishments" in the general rule, and "all punishments or deprivations" in the preceding regulation. It was the duty of the Warden to see that the monthly report contained such a return as these rules required. This he did not do, for at one time he reported all punishments and deprivations, and at others only dark cell punishments, generally omitting the very frequent confinements to ordinary cells and the rarer punishment in irons. Whether through this neglect these omitted punishments ever came under the notice of the Inspector the evidence does not disclose. It is difficult to understand, in the light of the evidence adduced, how these omissions escaped the attention of the Warden, the more so as he had to sign the returns every month, as well as the various orders for the very punishments he had to report. We can only conclude that, improperly, the Warden did not regard these monthly reports as material, seeing that it is the duty of the Inspector to examine all the punishment records as kept in the prison. Moreover, your commissioners find that the punishment records and reports were made out by prisoners who acted as clerks, in consequence of which no well defined system seems to have been followed—a practice which we cannot too strongly condemn, and respecting which a recommendation is made in another portion of this report.

With respect to the existing regulations for keeping the punishment records, and more particularly the provision requiring the offences to be entered in the punishment record and signed by the guard making the complaint, before the Warden shall proceed to enquire into and adjudicate upon the charge, your commissioners, after careful consideration of all the facts, are of opinion that the provisions referred to cannot in many instances be carried out in their entirety. Moreover, there is no doubt that the clerical work involved in complying with clauses 2, 3 and 10 of the regulations takes up much of the Warden's time that can be more profitably devoted to other duties.

While in some of the prisons visited by your commissioners, the records of punishments were exceedingly full and complete, in others little or no attention is paid to the subject; and in only a few instances, are monthly returns made to controlling or supervising authorities. Your commissioners, however, are strongly of the opinion that there is no part of the prison economy of greater importance than the keeping of an absolutely correct record of every punishment and deprivation given to prisoners. Not only is such a record necessary for the protection of the prisoners, but it is equally necessary for the protection of the Warden, in the performance of duty requiring the greatest discretion and tact. For these reasons, your commissioners have framed a recommendation for an amendment of the punishment regulations which, if carried out, will not only simplify the forms and procedure, but, in their opinion, will effectually overcome the difficulties which have been revealed in regard to this part of the enquiry.

The charge that prisoners had been punished without investigation on the part of the Warden, as provided for in rule 3 of the regulations, rests chiefly on the evidence of prisoners. Those that complained seemed to be impressed with the idea that, before punishment could be inflicted, they should have been called before the Warden, confronted with the guards making the reports against them, and heard generally in their own defence. This would generally necessitate one of two courses: First—That the guard making the report should leave his shop or gang (in many instances) without any supervision during his absence, in order to give evidence in respect to the report he had made; or—Secondly,



that the Warden should be sent for, and that he should on the ground where, and at the time when the offence was committed, conduct an enquiry into the whole matter. Failing either of these courses, the offending or insubordinate prisoner would, of necessity, have to remain in the shop or gang until noon or evening, or at any rate until the reporting guard would be relieved. It is quite evident that very considerable latitude must be allowed to the Warden as to the course he shall pursue in order to satisfy himself as to the truth or falsity of the charges preferred by a guard against a prisoner. So far as the evidence reveals, there is no ground for the charge that the Warden neglected to investigate before punishing. In not a few instances, the prisoners, who complained that he did, admitted in cross-examination that they had committed the offences charged against them; while in others it was proven that the Warden had made such an investigation as to fully satisfy himself of the correctness of the charges. In this relation, however, a recommendation is also made by your commissioners that will more clearly define what is to be done in certain cases, now attended with difficulties, so far as the regulations are concerned.

Your commissioners have now to deal with the punishments and deprivations themselves, as authorized by the regulations, and the manner in which they have been administered, as disclosed by the evidence taken and the records produced before the commission. The regulations and by-laws authorizing and defining them have been fully quoted in a preceding part of this section of the report.

Respecting the general methods of prison punishment, your commissioners have already stated that a system which may be well suited for one prison, may be entirely unsuited for another, and that in determining this, various conditions have to be considered. In a penitentiary where criminal experts are confined for long periods, and more particularly in one where a remission of a very considerable portion of a sentence may be earned by uniformly good conduct, a few simple but effective punishments may prove quite sufficient for the purpose of maintaining the proper government of the prison. In such a prison, it is obviously to the prisoners' interest to obey the rules and regulations, in order that in some cases the period of detention may be greatly shortened, and in others that they may get on as easily and as comfortably as possible in a prison where a large portion of their lives must be spent. In the Central Prison, however, it is quite different; a large majority of the inmates are drunkards, vagrants and petty criminals who are almost constant residents of one prison or another, and in whose cases a few months imprisonment furnishes but little incentive for personal restraint upon lawless and insubordinate conduct. The lives of many of these prisoners have been almost one continued revolt against law and order, and the first lesson they have to learn on entering the Central Prison is to subjugate their wills to prison authority. The fact, also, that not a few of the prisoners have led not only dissolute, but idle and shiftless lives, causes many of them to rebel against enforced prison labour.

Keeping this in view, your commissioners have no hesitation in concluding that, with such a class of prisoners to deal with; and more so, that they are confined for such short periods, with so little to be expected from reformatory influences, it is better to err on the side of rigid prison discipline, which evidently obtains in the Central Prison, than in a laxity of it. And in enforcing rigid discipline, particularly with the classes referred to, your commissioners cannot but commend the graded system of deprivations and punishments authorized in the Central Prison regulations—commencing with warnings and admonitions, which the evidence shews has generally been done before the cutting off of privileges has been ordered. From that to confinement in an ordinary cell may not have much terror to a man whom the law has already deprived of his liberty; but when another step is taken, and the regular rations are cut off and bread and water substituted, and perhaps the bed removed, the prisoner should begin to enquire whether obedience is not easier than insubordination. Failing that, however, commitment to the dark cell must follow, and for continued insubordination and mutinous conduct, the lash has occasionally been resorted to.

So far, therefore, as rules and regulations can govern and define disciplinary punishment, your commissioners are of opinion that it would be difficult to devise more humane methods of punishing disobedience and insubordination in a prison, whether arising from

mere thoughtlessness and indifference, or from studied rebellion to authority, than the punishment regulations of the Central Prison. How these regulations were carried out in practice will now be considered.

The charges made before the Commission, in the Legislature, and in the newspaper press, were that "Warden Massie cruelly, inhumanly, and illegally punished prisoners under his charge; that prisoners had been tortured, and otherwise inhumanly treated; that prisoner O'Neill was tortured by keeping him in solitary confinement, on bread and water, for a space of 103 days, thereby driving the said O'Neill insane; that the Central Prison discipline was invested with the 'tortures of the Inquisition'; that helpless prisoners were brutally flogged; that the 'wards' of the Province were being tortured by the fiendish cruelty of the Warden until deprived of reason; that prisoners were confined for weeks and months in their cells, and deprived of their beds, and furnished with only one blanket in the winter time; that the Warden and officers have been guilty of cruel and inhuman treatment of boys; by requiring them to perform work unsuited to their strength and ability; and when the tasks so imposed were not performed have punished said boys with the dark cell, bread and water diet, and deprived them of their bed for a considerable period; that prisoners have been so starved when undergoing punishment in their cells on bread and water diet that they have begged the Warden and guards for bread, have called at the doors of their cells for food when other prisoners were going to meals, and in their desperation have tried to tear down the iron doors of their cells; that some prisoners have become insane through the cruel treatment of the Warden and officers of the prison, while insane men have been subjected to punishment."

Certain prisoners were specifically named, both in the newspaper press and the Legislature in the following language:—

"O'Neill, 72 hours confinement upon bread and water, without a bed, became insane upon being released; McGraw, 72 hours confinement, three times within two months, with 24 days upon bread and water, without a bed, was knocked down and beaten by the guard; Scully, confined in a dark cell and irons, five periods of 72 hours each, in two months—40 days on bread and water, without a bed; M. Wynne, 40 days on bread and water at one time, twenty days at another, when released he was frantic from hunger and devoured the offal fed to the pigs; Coughlan, 14 years of age, bread and water for 30 days, without a bed, for some boyish freak in the broom factory; Johnson, for pulling a few hairs out of the tail of the Warden's horse, was kept for six days continuously on bread and water; Mullholland brothers were kept for 15 days and 20 days, respectively, on bread and water, and discharged without shoes in the month of January; Fay, 24 days on bread and water, without a bed; Alex. Nicholson, on bread and water for 42 days, during January and February; William Gifford, confined in dark cell, and kept on bread and water for an unreasonable time."

Respecting the foregoing charges, your commissioners are required under the terms of the commission issued to them to make enquiry into the truth of the charges, and more especially, as to whether cruelty had been practised towards, and ill-treatment and excessive punishment of, certain prisoners confined in the Central Prison, viz: one O'Neill, one McGraw, one M. Wynne, one Coughlan, one Johnson, the Mullhollands, one Fay, one Alex. Nicholson, and one William Gifford.

In pursuance of these instructions, your commissioners propose first to deal with the cases specifically named, and in the order in which they are mentioned, and then with the more important cases brought under their notice during the investigation.

#### WILLIAM O'NEILL'S CASE.

The case of William O'Neill was referred to in the Legislative Assembly as the "prisoner who had been kept in his own cell for three months on a bread and water diet,—after which he was declared insane,"—and in various newspaper comments and correspondence it was alleged that the prisoner had been punished with 72 hours dark cell, 48 hours in irons, without bed, in his own cell.

The prison register shows that William O'Neill had served three terms in the Central Prison, and the records of the Hamilton gaol, according to the returns placed in evidence, set out that he had been previously convicted and sentenced to the Hamilton gaol no less than seventeen times prior to his last sentence in the Central Prison. The last conviction, also placed in evidence, shewed that, for the crime of larceny, O'Neill was sentenced to twelve months in the Central Prison from the 25th of July, 1884. The statistical return, certified to by the Sheriff of Wentworth, set forth that O'Neill was 31 years of age; that he followed the occupation of a labourer; temperate in his habits, and that in point of education he was wholly illiterate. The gaol surgeon of the Hamilton gaol reported at the time of his transfer to the Central Prison that O'Neill was physically and mentally sound, and that he was able to work.

Such were the antecedents, character, and the mental and physical state of William O'Neill, prior to his transfer to the Central Prison, on the 31st July, 1884. During his first and second terms in the Prison, it was proven that, although he was looked upon by the officials as a man with "peculiarities" and "rather difficult to get along with," still he did pretty well and was not often reported. From the evidence, however, it would appear that, at the time of and during his last commitment, his disposition had undergone much change; he became very difficult to manage, and required "humoring," and almost from the first he was obstinate and sullen. He was tried at many jobs, and although not a lazy or idle man, as far as the evidence shews, it was most difficult to get him to do anything, except what he wanted to do, and that in his own way. At last he refused to work altogether, and became insolent and abusive. For this conduct, he was, on the 2nd of August, upon the report of the guard, and after investigation on the part of the Warden, sent to the dark cell for a period of 72 hours. When being searched, after his commitment to the dark cell, to see if he had a pipe and tobacco in his possession, he resisted the performance of that duty by a violent assault upon the guard, for which 24 hours in irons (that is handcuffed or leg-ironed), was added to the sentence of 72 hours in the dark cell.

It does not appear that the prisoner was again reported in writing, although frequently warned, until the 9th of October. On that occasion, on being spoken to about his work, he became insolent and swore at the guard. The Warden had previously instructed the guard to "try and get along with O'Neill, that he was a bad man, but he must do the best he could with him." For the offence reported on the 9th October, the Warden ordered that the prisoner "be confined in his cell on a bread and water diet." The evidence proves that O'Neill remained in his cell under this order from the 9th October until the 19th December, a period of 71 days, instead of 103 days, as alleged. This punishment, and the 72 hours in the dark cell previously referred to, were the only punishments given the prisoner during his last incarceration in the Central Prison, and on these rest the alleged charges of cruelty, excessive punishment, and ill-treatment of the prisoner.

So far as these charges relate to the 72 hours in the dark cell, and the subsequent addition of 24 hours of the period in irons, the commissioners have no hesitation in coming to the conclusion that the punishment, which was ordered and executed within three days after the prisoner was last received into the Central Prison, was fully merited; that it was quite within the Warden's authority under the regulations, and that it was neither cruel nor excessive, nor did its execution in any way involve the ill-treatment of the prisoner, either by the Warden or any other officer of the prison.

With respect to the punishment through which the prisoner was confined in his own cell on a bread and water diet for a period of 71 days, and it is alleged without a bed, there can be no doubt in any reasonable and unprejudiced mind that the continued confinement for such a long period as 71 days, and under such conditions—even of a contumacious prisoner of sound mind, calls for a very searching investigation into all the facts and circumstances of the case that seemed to necessitate such treatment.

Under section 4 of the regulations in respect to disciplinary punishment in the Central Prison, the Warden is authorized to punish for any offence or improper conduct on the part of a prisoner in various ways. Among other punishments, he may, under subsection "b," "confine a prisoner to an ordinary cell—the bedding having been removed therefrom—during which confinement the diet of the prisoner shall be bread and water."



Although the quantity of bread and water to be given in such cases is not prescribed in the regulations, it is in evidence that it is 24 ounces of bread, and what water he wanted was given each day of confinement. It should also be stated that there is some doubt as to the exact number of days out of the 71 that the prisoner was deprived of his bed, as authorized by the regulations. The corridor guard, who had to see the prisoner every day, and should therefore be best qualified to give evidence on that point, thought that the prisoner might have been thirty days without his bed, but swears positively that he was not deprived of it for the whole time that he was confined in his cell. Having stated this uncertainty in the evidence, the fact remains that the prisoner was, by order of the Warden, confined in his cell on a bread and water diet on the 9th October, where he remained until the surgeon made the following order on the 19th December, in the hospital book, viz: "Prisoner, William O'Neill, to have his full rations and his bed and bedding, and not to be confined in his cell, as he is of unsound mind." This is the first intimation, so far as the evidence shows, of the prisoner O'Neill's insanity, and immediately on its being received, the Warden gave effect to the instruction. The prison surgeon in his evidence states that he thought he had reported O'Neill insane on two or three occasions during his last incarceration. If he did, prior to the above date, the report must have been verbal, and to whom given, the evidence does not reveal. There is certainly no written report or instruction made by the surgeon in the hospital or other prison record that can in any way be construed of an intimation of the prisoner's insanity.

The evidence proves beyond doubt that the prisoner refused to do certain work required of him, and that he was insolent and abusive in language, as well as sullen and sulky in his manner. For such conduct, any sane prisoner, responsible for his acts, deserved punishment, and confinement to an ordinary cell on a bread and water diet for a reasonable time was certainly not as severe as might have been meted out within the regulations, and under such circumstances.

That the prisoner was considered sane at the time he was placed under cell confinement by order of the Warden, there is no reasonable doubt. It has already been shown that the surgeon of the Hamilton gaol certified, on the 29th July, two days prior to his reception in the Central Prison, that O'Neill was physically and mentally sound and able to work. This is the opinion of a physician who must have very frequently seen O'Neill during the years that he was serving out his seventeen sentences in the Hamilton gaol. Guard Clancy, in his evidence, states that the prisoner did not appear to be insane. Guard Guinness considered him "an eccentric character, a little different from the other prisoners; and while he would not consider him altogether like a sane man, owing to his peculiarities, he would not call him insane, and he considered him responsible for his actions up to the time of his punishment in October." Guard Hart considered the prisoner "a man of eccentric habits, and he might have been insane for all he knew; his eccentricity became exaggerated after his confinement to his cell." Guard Hunt, who, under the surgeon, had charge of the hospital, and whose evidence on account of his experience with such prisoners, will perhaps rank next in weight to the surgeon's, swears that he frequently saw O'Neill when he was confined to his cell under punishment, and that he would not call him insane. He also swears that had he seen any evidence of insanity, he would have considered it his duty to report his case to the doctor, and would have taken steps to have the prisoner removed from punishment. This witness (Guard Hunt), in his evidence explains how O'Neill's case was brought to the attention of the prison surgeon on the 19th of December, viz., that Guard Guinness, for some reason that he (Hunt) did not know, brought the prisoner down from his cell to the dining room, where the doctor was, in order that he might be examined. This examination resulted in the prison surgeon recording in the hospital book, already referred to, viz: that "William O'Neill, confined in his cell, to have his bed and bedding and full rations, and not to be confined in his cell, as he is of unsound mind."

The Warden testified that during O'Neill's confinement in his own cell, he had repeatedly seen him, and that on several occasions he asked if he would not rather go out and do his work, to which appeals the prisoner would not sometimes give an answer, and at other times would positively refuse to go to work. In the Warden's report to the Inspector, in connection with the surgeon's certificate of the 19th December, he stated

that the prisoner would "neither work, leave his cell, nor take his food," and recommended his transfer back to Hamilton gaol. The Warden further testifies that, when he received the surgeon's report and instructions, the prisoner was at once placed on full rations, although he still remained in his cell and refused to go out; but as soon as the weather got warm, he left his cell and went out and did some light work, such as weeding, etc., until his sentence expired on 27th July, and he was discharged. Guard Guinness swears that, during the confinement of the prisoner in his cell, he asked if it would not be better for him to go to work than remain in his cell, when he swore that he would not work any more as long as he remained in the Central Prison. Foreman Miles in his evidence made an important statement bearing upon the mental condition of the prisoner, and which possibly furnishes a clue in explanation of the prisoner's mental "peculiarities," viz: that he had frequently caught O'Neill in the act of self-abuse.

In trying to reach a just conclusion in respect to O'Neill's case, three questions have to be answered:

*First.*—Was the prisoner insane when he was first confined in his cell on a bread and water diet as a punishment?

*Second.*—If not, when did he become insane—if he was insane at all?

*Third.*—If insane, who was responsible for not sooner discovering his mental condition?

In endeavouring to answer these questions, the commissioners have to express their regret that O'Neill, although subpoenaed to give evidence, could not be found; as a personal examination of the man, even after his discharge, would have materially assisted the commissioners in arriving at the facts of the case. After a careful analysis of all the evidence, the commissioners have to report in reference to the foregoing questions:—

*First.*—That the prisoner was not insane when he was committed to his cell on a bread and water diet as a punishment; and that having regard to the offence committed, and the general bad conduct of the prisoner, his punishment by the Warden in the manner indicated was neither cruel, nor, in view of the fact that he was repeatedly asked to end the punishment by leaving the cell and going to work, can the punishment be characterized as excessive.

*Second.*—The commissioners further find that according to the testimony of the surgeon, the prisoner was of unsound mind on the 19th of December, but it is impossible to ascertain from the evidence when he became insane and when he ceased to become responsible for his acts—if indeed he ever did—and respecting which the commissioners have grave doubts.

*Third.*—Having regard to the continued contumacy of the prisoner and his refusal to leave his cell and go to work, together with his mutinous and insubordinate conduct while in his cell, the commissioners are of opinion that such conduct should have aroused the suspicions of the Warden in respect to the mental condition of the prisoner, and caused him to relieve himself of the responsibility by specially calling the attention of the prison surgeon to the case, to the end that if found insane by that official, the prisoner might sooner have been relieved from his confinement and placed on full rations. For this neglect and apparent lack of judgment, the commissioners are of opinion that the Warden is to blame. The commissioners are also of opinion that the surgeon was, so far as the evidence shows, remiss in the performance of his duty in not visiting the cell in which the prisoner was confined for 71 days, as required by rule 43 of the prison regulations, viz: "The surgeon, at least once every month, shall go into every room and cell in the prison and see every prisoner." Had this duty been strictly performed by the surgeon, he would have sooner called attention to the fact that a prisoner, whom he called insane, or pre-insane, was being punished by confinement in his cell on bread and water diet, and for a part of the time at least without bed and bedding.

There is no doubt that O'Neill is a man of low mentality, vicious and depraved in his habits, and a habitual criminal. The application of rigid prison discipline to such a character is eminently proper, but great care should be taken to ascertain if he had sufficient mental capacity to render him responsible for his insubordinate acts. This, it is

clear, can be best done by careful observation on the part of the prison surgeon. The physical condition of the prisoner, it would appear, did not undergo deterioration, as it is proven that after he had left the cell he had gained nine pounds in weight as compared with what it was when he entered the prison.

### JOHN McGRATH OR GRAHAM'S CASE.

John McGrath, a prisoner for a second term, is a young man of 25 years of age, and was sentenced November, 1884, from Welland, for five months to the common gaol, and transferred to the Central Prison. He is described as intemperate, with an elementary education. His real name was John Graham; he was born in England, travelling through into Canada from Buffalo, his last place of residence; he was convicted of vagrancy. His first conviction was for six months, and it appears to have been for what he calls interference with a person who was being taken to the Penitentiary at Kingston.

For nearly the first half of each sentence, McGrath, or Graham, behaved well enough; but Mr. Massie describes him as incorrigible; that he had to be dealt with in a special manner, and that he paid his case a good deal of attention. Dr. Aikins was of opinion, on his first conviction, that he was not quite right in his mind. He would cry when he came to talk with him; was violent in his hatred of the Warden, and was, what the Doctor called, pre-insane.

On the 16th of January, 1885, McGrath got into trouble by pitching his dinner on the table, becoming violent and abusive when spoken to about it, all apparently without provocation. For this he was sentenced to the dark cell; while going there, on the 17th, he assaulted the guard, striking him in the face and behaving most outrageously, so that two reports were preferred against him. The Warden directed on the 17th that, pending instructions from the Inspector as to his being flogged, he be confined to his own cell on bread and water diet; but the dark cell ticket shows he was in the dark cell until the 20th. On the 24th the Warden laid the whole case before the Inspector and requested that the prisoner be flogged. Permission was granted, coupled with a recommendation to do without the flogging if the Warden could. McGrath promised to do better, and the flogging was held in abeyance. On the 23rd February he refused to work in the brickyard, and on two reports, was sentenced to three days for each in the dark cell. On the 28th he was again acting outrageously in the brickyard, and went to the dark cell again, kicking the guard in the face as he was being conveyed there. Add to this that he attacked the same guard (Guinness), throwing the tea in his face, calling him the most offensive names; that he broke the bucket in his cell, admitted having a knife, and boasted of being willing to be hanged for somebody, and some faint idea may be had of the sort of man this prisoner was.

When not working, he amused himself by whistling, singing, and tramping up and down his cell. A second special report to the Inspector, dated March 30th, sets out the particulars of McGrath's case, and the order of the Warden confining him to his cell on bread and water, during which time he kept the wing in a continuous uproar. His shouting in the cell, saying—"Burke, that will do at seven p.m.," did not seem to have any sensible explanation. The Warden in this report again asked that McGrath be flogged, but the Inspector did not reply to the communication, and the prisoner was kept in his cell on bread and water until the expiration of his sentence on 11th April. On the 2nd April, the Warden having some doubts as to his sanity, had his case considered by Dr. Aikins, who says:—"If this man's general health ran down, I believe he would be, under irritation, dangerously violent, and likely, if such state of health be continued, to become insane. At present, however, his health is good and I regard him as quite responsible for his acts, and yet would place him (bad as I have no doubt he is), in the class of pre-insane." On the same day Sergeant Franks reports him acting in a violent and threatening manner, especially when a fellow-convict was undergoing corporal punishment.

McGrath appeared before the commission on the 18th August, and admitted nearly all that was alleged against him in the prison records. He was the only witness sworn



who volunteered to give evidence without his expenses being paid. He took good care of himself in the box, under a very close examination, and it did not impress any one of the commissioners, so far as that acquaintance with him went, that he was at all insane. Dr. Aikins, however, was in court, heard his evidence, and was called as the next witness. He repeated that he "was satisfied he had marked down that man as pre-insane." The charge against the Warden is, that McGrath was 72 hours, three time in two months, in the dark cell, and 24 days on bread and water.

Guard Guinness says he might have been 60 days on bread and water. The books, however, do not show this. It is probably incorrect.

The difficulty surrounding this rather peculiar case is to understand how it was that, if the extravagant conduct of the prisoner did not lead the officials into the belief that he was insane, McGrath was not flogged. The record of his conduct was certainly beyond anything that came before the commissioners in this investigation. It would seem as if the prison surgeon favoured the view of insanity. His remark on this case is this: "Where a man will be repeatedly punished for an offence, and go on and do the same thing and be punished again and again, I cannot conceive of that man being sane." The Inspector, by withholding the order on the second report, and by a recommendation on the first, may have supposed him irresponsible. If he were not insane, there could be no two opinions but that he should have been flogged—and not doing it, would be mistaken kindness.

On the other hand, if he was insane, four out of five men might differ about it, and the Warden ought not to be held liable, although it would have been safer for him in similar cases to give the prisoner the benefit of the doubt, and have a decisive opinion from the surgeon.

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#### JAMES SCULLY'S CASE.

Age, 23 years, a labourer, was sentenced 13th December, 1884, from Welland to the Central Prison for four months, for vagrancy. His place of residence was Buffalo, and this was his third conviction.

This case was brought to the notice of the commissioners by the evidence of prisoner McCarthy, as an example of excessive punishment—the prisoner Scully suffering two consecutive terms of 72 hours each in the dark cell, with an interval of from 10 to 15 minutes only. This interval is sworn to by Sergeant Franks, and is referred to by several others; it may be said that the punishment was virtually one of 144 hours, with the interval referred to.

Scully seems to have been a most troublesome and unmanageable character. He, no doubt, well merited any justifiable punishment. From the 5th January until the 7th April, he was sentenced six times to the dark cell—each time for a period of three days. There is one intervening report, on the 10th February, that he be confined in his own cell on bread and water;—the same punishment was given him on the 7th April, until the expiration of his sentence. He appears to have been considerably weakened, and the surgeon recommended that "if he be provided with light work for a week, it would allow of his picking up some after his long confinement in cell, and prepare him for heavier work."

He was employed in the brick yard, and was being continually reported for shirking his work, creating a disturbance, shouting, whistling, disorderly conduct, and an attack on one of the guards. His prison record is one of the worst; his conduct and language exceptionally bad.

It is much to be regretted that there should be any irregularity in the punishment of a prisoner who merited it so deservedly; but it was a case in which the Warden regarded the continuous confinement in the dark cell for six days as a mistake. It exceeded the usual punishment in vogue in the prison, and is the one case probably that came before the commissioners wherein the late Inspector's instructions to the Warden



had been disregarded. The limit of punishment in the dark cell was put in these instructions at 72 hours, and it was so understood by the Warden.

Guard Guinness explains that the man should have been released at the end of his third day, at nine o'clock, but that he (the guard) was sent on duty in the brick-yard two hours before that time. Sergeant Franks was told of this verbally, apparently, and that Scully should have an interval of 24 hours by the Warden's general orders before going in for his second term. Scully, however, was returned to the dark cell, after walking down the corridor, and served his second term. The Warden did not know of this, he says, and his only evidence on the point is, that it was some mistake between Guard Guinness and Sergeant Franks.

#### MICHAEL WYNNE'S CASE.

This man was committed by the Police Magistrate at Hamilton, to the Central Prison, on the 18th June, 1884, for having on the 11th day of the month of April previous, feloniously stolen a quantity of iron piping, the property of the Rolling Mills Company. He was 30 years of age, a labourer by calling, married, of intemperate habits, could read and write, and had been convicted once before, but of what offence the evidence does not clearly show. He was reported by the gaol surgeon as sound, well, and able to work. His sentence was six months in the Central Prison. He was received into the prison on 24th June, 1884. The following is his record in the prison during this sentence:—

(1.) July 1st, 1884.—For passing his bread outside his cell door, he was reported by Guard Tansey. In this case he was warned and held over.

(2.) July 9th, 1884.—He was reported by Guard Kirkpatrick for refusing to work. The work he was asked to do is considered one man's job. He was given a man to assist him, but he still refused to work. He was sentenced to 72 hours in dark cell, but was released next day at 11 o'clock in the forenoon.

(3.) July 9th, 1884.—The prisoner was reported for running about the gallery, when he had no business to do so, having been sent to the brick-yard, reported sick by Guard Guinness; and for this offence he was sent to the dark cell for 72 hours.

(4.) July 12th, 1884.—Prisoner was reported by Guard Kirkpatrick for leaving the gang without permission, and when found, was loitering on the sidewalk in front of the wash house. For this, Wynne was sent to the dark cell for 72 hours.

(5.) August 1st, 1884.—Prisoner was reported for continued breaking step in marching, constant talking and not attending to his work, and other misbehaviours, about which Guard Lyons, who reported him, had previously warned him, and to which he paid no attention. For this offence, Wynne was, on the 5th August, sentenced to 72 hours to the dark cell.

(6.) August 12th, 1884.—Wynne was reported for stealing rations of meat and potatoes, by Guard Guinness. For this offence he was confined in his cell one month on bread and water.

(7.) August 17th, 1884.—Prisoner was reported for unnecessarily trying to attract Guard Hunt's attention by rattling his copper cup on the gate, and when told to wait a moment, continued to make a noise, causing other prisoners to holloa. For this the prisoner was reported by Guard Clancy. He was warned and the case held over.

(8.) August 18th, 1884.—For slamming his regulation board against his cell wall, he was reported by Guard Hunt. With this report nothing appears to have been done.

(9.) August 23rd, 1884.—For not folding his blankets, leaving them in an indifferent manner on his bed for the cleaner to fold, and destroying his bed quilt, Wynne was reported by Guard Guinness. For these offences the prisoner was deprived of bed and bedding. The time for which such deprivations were to continue does not appear to have been expressed.

(10.) September 24th, 1884.—For refusing to obey orders, the prisoner was reported by Guard Kirkpatrick. He was to fall in with the gang of men. He said he would not—that he could not get along in that gang. For this offence Wynne was deprived of all privileges, and was ordered to be confined in his cell on bread and water diet, but for what time was not expressed.

(11.) October 14th, 1884.—For obstructing work and dumping the earth out of his barrel, the prisoner was reported by Guard Travers, and received for these offences 72 hours in the dark cell.

(12.) November 18th, 1884.—For shouting in his cell and calling the guards “sons of bitches” to come and open his cell, Wynne was reported by Guard Hartnett. He was ordered to his cell until the expiration of his sentence.

(13.) November 18th, 1884.—For not answering his name while the guard was taking the “count” of prisoners, Wynne was reported by Guard Hartnett.

(14.) November 21st, 1884.—For maliciously breaking his bedstead and with the crossbar endeavouring to break the bars of his cell, also for breaking the mortar and stone-work, over the lock of his cell, the prisoner was reported by Guard Guinness. For this the prisoner was sentenced to 72 hours in the dark cell, then to be confined in his cell until the expiration of his sentence.

(15.) November 19, 1884.—For shouting and shaking the door of his cell, causing disturbance at noon, the prisoner was reported by Guard Pile, and for these offences was sent 72 hours to the dark cell.

(16.) July 23rd, 1884.—(Out of order of date). For stealing two rations from the table, the prisoner was reported by Guard Guinness. He was warned and the case was held over.

It is charged that this man was forty days on bread and water at one time; 20 at another, when released he was frantic with hunger and devoured the offal fed to the pigs.

We had the advantage of this man being examined before us, so that we are in a better position to form an opinion than in Gifford's case. Judging from his demeanor, and from all the testimony we heard upon Wynne's case, we have come to the following conclusion:—

He was possessed of a fierce, ungovernable temper, regardless of all proper restraint on his actions and conduct. He admits that on one occasion either he or his guard would have died, if he had the means at hand to have effected his purpose.

He was of a bad, determined and unrelenting disposition, fierce in his hates, and of an unkindly spirit. His ordinary language was coarse, vile, obscene and detestable, and not to be mentioned without disgust.

His nature was opposed to all discipline or authority, and he gloried in showing it on all occasions. For the rules and regulations of the prison he professed an absolute contempt, and appeared to care little for the consequences of their violation. His appetite appeared to be insatiable. His conduct, out of or in his cell, was bad, and unless punishment had been imposed, was calculated to do much harm. He would not work—not through inability to do the work he was set at, but through sheer contumacy and stubborn resolve not to do it. In his cell, under deprivation or otherwise, he was violent and insubordinate. He would steal a ration whenever he could get the chance, and was otherwise a bad, dangerous man, as shown by the testimony. For his first offence he was only warned. His second offence was his persistent refusal to work, and he was sent 72 hours to the dark cell, but was there only one day. Three days afterwards he was again reported and got for that offence 72 hours in the dark cell, and the day he got out he was again reported, and for the offence again got 72 hours; and so offences and punishments went on until Wynne was on the 18th of November, 1884, through necessity, sent to his cell, to remain there until the end of the term of sentence, 29 days distant, he so remained.

We have tried to see if any other course was opened to the Warden in this case.

With the means which he had at command, we do not see that he could have pursued any other. In some of the American prisons, such as Joliet, Wynne could be separated from the other prisoners, and his evil example removed from view; but the structural arrangements of the Central Prison would not allow of that being done. We think a temporizing policy would have been ineffectual in his case. With all the evidence we had before us on prison government, not only in this country but in the United States,—we think it became a necessity to compel a submission to discipline and authority by such punishment as he received.

It is also charged that, during the time this man was confined in the cell, he was starved and frequently famishing for drink. We find that his rations were larger than are usually supplied to prisoners in his position, but that his measure of water was not enough. A man who is under punishment cannot expect to be treated as one of good behaviour. The rules of this prison, and all that your commissioners visited, prescribe a bread and water diet in certain cases. A deprivation of this kind is a means of punishment, and this man's continued insubordination appears to have merited it here. It is true that Wynne's extraordinary appetite caused him to be calling out for more food, but his craving in that respect was one of the consequences of his own bad conduct. The deprivation was not enough to injuriously affect his health. The prison surgeon saw him frequently and had nothing to report against the treatment Wynne was receiving. Much was said about the state of hunger this prisoner was in, when he left his cell the day after his discharge, 17th December, 1884. We think his own description of the state of his stomach, and what he did, do not under-estimate it.

He is asked—"What did you do?" Wynne replies—"I got hold of what I could." "And what was it you got hold of—the leaving of the plates?" Answer—"Yes, sir." So long as this kind of punishment is prescribed by the rules of this prison, and imposed as it was here, we do not think the Warden can be blamed for a prisoner's becoming hungry and eating what others have left. Anyway, the evidence shows that Wynne left the prison eight pounds heavier than when he entered it. The evidence also claims that he called for his Christmas dinner, and felt annoyed at not getting it. The prisoner's conduct was so bad that, we think, he nor any one on his behalf cannot be heard to complain, even if the severest methods of treatment which the rules of the prison prescribe were applied to his case. He appeared to have been incorrigible. We are of opinion that in all cases of bread and water diet, the prisoner should get as much water as he wants. It cannot be complained of on the part of this prisoner that he did not get either clothing or money on leaving the prison. His own bad conduct prevented the Warden giving him either, under the rules by which such things are given, and which he forfeited all claims to.

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#### MALACHI COUGHLAN'S CASE.

This is a case coming under the charge of cruelty, ill-treatment, and excessive punishment on the part of the Warden. The case was referred to in the Legislature as that of a boy 14 years of age, who was punished for some boyish freak in the broom shop, by confinement to his cell on a bread and water diet, and without a bed, for thirty days.

From the evidence elicited it would appear that this prisoner was transferred to the Central Prison from the Guelph gaol, to which place he had been sentenced for a period of six months, from the 12th November, 1884, for the crime of larceny. In the certificate of the sheriff and gaol surgeon, the prisoner was said to be "15 or 16 years of age," and that only one previous conviction stood recorded against him in the books of the Guelph gaol. Immediately preceding his transfer to the Central Prison, the gaol surgeon certified that Coughlan's physical and mental condition was good, and that he was well able to work. He was received into the Central Prison on the 15th December, 1884, and was discharged on the 20th May, 1885. On the 19th January he was reported, having previously been cautioned, for continually talking at his work. For that he was only reprimanded by the Warden. On the 22nd of January he was reported for "rushing,



jumping and pushing" when leaving the shop, having been previously cautioned by the guard for similar offences. On receiving this report, the Warden again reprimanded and warned without punishing. On the morning of the 2nd of February, the Warden visited the broom shop and admonished the prisoner for improperly sizing his corn and for idling his time away, but this conduct being still persisted in, the guard reported him on the same day, when he was confined to his cell on bread and water, but released on the following day, on promise of good conduct. He was again reported on the 5th February for idling his time away, and when spoken to by the guard became insolent. The Warden again only warned and admonished, but evidently without producing lasting effect, for the prisoner was again reported for "whistling and cat-calling" in his cell on the 8th February. For this he was sentenced to 72 hours in the dark cell, and afterwards to be confined to his own cell on bread and water, where he remained until the 16th February, when he became so noisy and unruly that he was again sent to the dark cell. On March 4th, the Warden caught him in the act of disturbing the order of the shop by "manœuvres and antics" in order to draw the attention of other prisoners and keep them from their work. For this offence he was sent to his own cell. On the 11th April he was again reported for misconduct, for which he was reprimanded and warned. April 25th, again reported, but report held over. On the 28th April he was reported "for idling and neglecting his work and attracting the attention of other prisoners by sitting straddle on his sizing bench and other tricks, and for generally defiant and mutinous conduct." For this he was sentenced to 72 hours in the dark cell, and afterwards to be confined to his own cell. On the 4th May, having been again reported for "gross misconduct and insubordination in the broom shop," he was sent to the dark cell for 72 hours. It is quite evident that Coughlan, almost from the time he entered the prison until he was discharged, was an idle, mischievous, and insubordinate young man, and that during his imprisonment he was quite unmanageable. The punishments meted out to him were all deserved, and the commissioners have no hesitation in finding that they were neither cruel nor excessive, but on the contrary were all necessary for the maintenance of good discipline in the prison.

#### JOHNSTON'S CASE.

Prisoner Johnston appeared on his entrance to have been a well conducted prisoner. He was removed from the brickyard and put in a position of trust, taking care of the horses and stables connected with the Central Prison. Some other prisoners, particularly one named Kelly, were in the habit of going into the hayloft of the stables and making hair-chains. Johnston acted as sentinel at the door below, and was the medium, the Warden thinks, of selling these articles in the city. He had an opportunity of doing this, as he went out with the storekeeper and had various privileges. The evidence against him is that a hair-chain was found on his person on a particular day, and that on the same day, a very little or no hair was left on the tail of the Warden's horse.

This conjunction of occurrences, though largely circumstantial, brought Johnston into disgrace; he forfeited his privileges, was sent to the dark cell for 72 hours, and kept to his cell afterwards for some weeks on bread and water, until the Warden should find out the real parties implicated in the affair.

Johnston himself did not appear before the commission, but prisoner Kelly gives the details:—"Johnston was ostler, and he told me that he used to go into the city for the meat, and he asked me if I could make horsehair chains, and I told him I could. Well, he says, I can get you the hair; I asked him where he could get it, and he said from the Warden's horse's tail." Kelly's fine sense of morality would not entertain this, and he said he would have nothing to do with it. Johnston then proposed another plan, to which, with the aid of the butcher, who was to give a pound of tobacco for every chain made, the hair was procured next day. Kelly failed to convince the Warden that the hair was procured from down town, and after a highly argumentative conversation with the Warden, Kelly was punished with the dark cell, and promised a flogging, if the Warden was more certain of his guilt.



This is really all the evidence that surrounds this ridiculous affair. Mr. Nesbitt in argument refers to the evidence of the man named Johnston, whom McGrath was annoying, but this is nothing material to the present enquiry, even if it be the same person. The Warden miscalculated the character of his man; the love of tobacco was too strong in Johnston to allow mere appearances to stand in the way of his getting it.

Although this was put forward in the light of a personal matter of the Warden's, it appears on enquiry that the horse belonged not to the Warden, but was prison or government property; and for the mutilation or destruction of prison property, the Warden very properly punished the prisoner. It is likely, as he admits, that he was not sure who were the guilty parties, but he would be amply justified in confining any or all of them until he was satisfied about the affair. Cases must arise in which, for the general good order of the prison, refractory or suspected characters may have to be removed, but it should be to their own cells pending the enquiry; and in reference to this and other cases of a like kind, your commissioners have added elsewhere in this report a recommendation respecting them.

As the prisoner in question suffered not unjustly, it cannot be said that he can be heard to complain of cruelty; but in view of the doubt expressed by the Warden as to the guilt of the prisoners, your commissioners think that, pending the investigation, he should have been confined in his own cell, and afterwards, if guilty, sentenced to the dark cell for punishment.

#### MULHOLLAND BROTHERS' CASE.

The case of the Mulholland prisoners, which is also specifically mentioned in the commission, was referred to in the Legislature in the following wording:—"The Mulholland brothers were kept for 15 or 20 days, respectively, on bread and water, and were discharged without shoes in the month of January."

The prisoners referred to were, George W. Mulholland and Peter Mulholland. Both of them were sentenced to the common gaol at Hamilton for six months, respectively, from the 26th July, 1884, for unlawfully causing a disturbance.

George W. Mulholland was returned as being 16 years of age, of intemperate habits, without education, and as having been previously convicted five times. Peter Mulholland was returned as 15 years of age, intemperate, no education, and who had not previously been convicted.

Both of those youths were certified by the surgeon of the Hamilton gaol as being sound and well, physically and mentally, and able to work.

The prisoners were received into the Central Prison on the 31st July, 1884, and were discharged on the 24th February, 1885.

George Mulholland appeared before the commission and was examined, having been brought from the common gaol at Hamilton for that purpose. He stated that he had been punished three times; first, for not sizing five bales of corn broom, per week, as required of him; second, for not sizing the broom corn properly; and third, for throwing corn at a prisoner in order to get his attention that he might speak to him. For the first offence, he stated that he was sent to the dark cell for 72 hours, but on a promise that he would try and do his task he was released at the expiration of 40 hours. For the second offence, he said he was confined to his own cell for 14½ days on a bread and water diet. For the third report, he was confined to his own cell on bread and water for 10½ days (although the record shews that he was awarded 72 hours in the dark cell for this offence). In addition to these punishments he, Mulholland, complained that he had been confined in his cell for a night without his bed, and also that on the day of his discharge, instead of being allowed to go out with his brother at noon on the 24th January, he was kept in the dark cell until 6 p.m., and then discharged. Also that when he was discharged, he only got back his summer clothes, and that his boots were badly broken. He further complained that on the two first times he was reported and punished, he asked to see the Warden, but could not. This is George Mulholland's statement of his case.

The gravamen of the reports on which punishment was inflicted was, that the prisoner did not perform the stint of work given him to do, and that he did his work badly. The evidence of the shop-guard and Warden proves very conclusively that this was the case. The guard testifies that he watched the prisoner very closely and found him a very bad youth; that he would lie, shirk his work, and would not perform his task, although quite able to do so, had he tried. The guard further testified that he frequently reported his case verbally to the Warden who talked with the prisoner, and expostulated with, and reprimanded him, notwithstanding which, he had to report him, September 3rd, for continually talking and neglecting his work.

September 27th.—“For not doing his work of sizing four bales of corn, per week, and intentionally idling his time away, to evade doing his task.”

October 20th.—“For not sizing his corn properly, and which I found so bad that I had to stop him working.”

December 4th.—“For not sizing his corn properly, and refusing to size it over again when told to do so.”

January 11th.—“For not sizing his task.”

Both the shop-guard and the Warden swear that the task given could have been easily performed by the prisoner; that it was light work for a boy, and that before being placed on a task, he had been a sufficiently long time at the work to have easily acquired the necessary aptitude or skill.

With regard to Peter Mulholland, it would appear from the evidence and records that he was only punished twice. First, on August 27th, for not cutting his task of hurl in the broom shop, for which he was sent to his own cell on a bread and water diet. He was punished again on the 13th January, for continually leaving his place to talk to other prisoners; for this, he was again confined to his own cell; but whether on a bread and water diet, or on the ordinary rations, both the evidence and the punishment records are silent.

The question the commissioners have to decide in regard to the punishment of the Mulholland brothers is, whether the task given them in the broom shop was beyond their capacity. The evidence of the broom-shop guard, who is a practical broom-maker, clearly proves that, in his opinion, it was not; and this is corroborated by the Warden. It is also proven beyond all doubt that, instead of trying to do what was allotted them, and which other prisoners in the same position easily did, they idled their time away and tried to keep other prisoners idle, by talking and general bad behaviour. It is quite evident, more particularly in a shop where there are a large number of prisoners at work, and where all had to be treated alike, that the bad example and misconduct of these youths had to be taken notice of, or the shop would soon have become demoralized. Having regard to this, the commissioners can come to no other conclusion than that both the Mulhollands, but more particularly George, deserved the punishment they received; and that having regard to their continued idleness and misconduct, the punishments given were neither cruel nor excessive.

Respecting the detention of George Mulholland, in the prison until 6 p.m., on the day of his discharge, while his brother was sent out on the morning of the same day, the prisoner may take his remedy at law, if advised that his detention was illegal.

With regard to the complaint of George Mulholland, that he was sent home in winter in the same clothes that he came in with in summer, and that his boots were bad. The rules appear to be that a prisoner who misconducts himself forfeits all claim for additional clothing, which was the case in this instance; as the clothes he had were not light, and as he was put on the train to go to Hamilton, it is not proven that he suffered in consequence.

Respecting the general subject of furnishing clothes to discharged prisoners, while in this case your commissioners think that the conduct of the prisoner barred his right to receiving additional clothing, still they are of opinion that the conditions on which the privilege rests should be clearly defined by by-law, subject always to the right of a prisoner receiving such clothing as to protect him from the inclemency of the weather and from injury to health.

## THOMAS FAY'S CASE.

This young man first entered the Central Prison on conviction in the county of Welland, on the 17th November, 1884, and was sentenced to the Central Prison for five months for vagrancy. He was then 17 years of age; his place of residence was Buffalo, in the State of New York; he was a labourer, of intemperate habits, and is reported as possessing an elementary education. The gaol surgeon of Welland certified that he was physically and mentally healthy, and able to perform an ordinary day's labour.

The same young man again entered the Central Prison about the 5th June, 1885, under the name of Thomas McCulty, convicted at the County Judge's Criminal Court, in Toronto, on the 4th June, 1885, on a charge of larceny, and was sentenced to three months in the Central Prison. He was then certified by the gaol surgeon of Toronto to be sound and fit to perform an ordinary day's labour. His name and religion are given differently to what they were the first time. His place of birth is given as the United States.

The following is Fay's record during his first imprisonment, up to the 1st April, 1885 :—

(1) January 8th, 1885.—Fay was reported by guard Kirkpatrick for refusing to obey orders, caught in the act of tearing up a jacket to put around his neck; throwing away a rope necessary for his work; refusing to pick it up or go where directed to. For this he was put for three days in the dark cell.

(2) January 19th, 1885.—Fay was again reported by guard Kirkpatrick for striking prisoner Thomas Jackson with his clenched fist. For this he was deprived of all privileges and was ordered to be confined in his cell on a bread and water diet. No time is mentioned.

(3) March 28th, 1885.—The prisoner was reported by guard Rutledge, for refusing to give up a newspaper that he was reading until taken from him by force. This report was held over.

(4) April 1st, 1885.—Fay was reported for repeated shouting and using vile oaths all the forenoon, having no provocation to do so, as no one was near him. This report was made by guard Guinness and was held over. But, on the 31st March, 1885, a more serious charge was made against the prisoner by guard Guinness. Under that date he reports Fay to the Warden in these words :—“ I have this evening to report to you the conduct of prisoner Fay. I was at my table when the whistle blew for the prisoners' tea, and when they marched in, prisoner Fay stole an extra ration of bread from off the table. I called him to one side and was in the act of taking the ration from him, when he insisted upon going upstairs with it. I collared him by the collar of the coat. He replied, with a jerk, ‘ you G—d d—m son of a bitch, you must be a better man than I am if you take it.’ I did seize it, and in doing so he caught me by the throat, and with the cup of boiling hot coffee in the other hand soused it in my face, saying,—‘ Now, you son of a bitch, I will give it to you.’ He then threw his arm around my neck, when a tussle ensued. At this particular moment all the prisoners stopped in the passage and Hartley refused to go upstairs. As soon as prisoner Fay was taken away from me by the assistance of another guard, then started the clapping of hands, then a ringing shout from 150 voices. I might mention amongst the notable voices heard was that of Graham, alias McGrath, in short the whole proceedings were little short of mutiny.”

We judge that this occurred on the evening of the 31st March, 1885. That evening the Warden thus writes to the Inspector of Prisons :—

“ The conduct of the prisoners last evening, after the attack on the guard at six o'clock, was simply outrageous, and was kept up till after eight o'clock, and as Fay was one of the worst, an example should be made of him; and I recommend that corporal punishment to the extent of at least 20 lashes be inflicted upon him, and that it be done to-morrow.”

To which the Inspector of Prisons replies on the 1st April, 1885 :—



"I have laid your report in regard to the matter before the Minister in charge, and have authority for stating that the Government have approved of the recommendation of corporal punishment in this (Fay's) case, not to exceed 20 lashes. Before the infliction of the punishment, you will, of course, take the usual precautions of having the surgeon certify as to the fitness of the prisoner, physically and mentally, to undergo the punishment, and which, in accordance with the regulations, should be inflicted in the surgeon's presence."

The punishment thus declared was inflicted on the 1st day of April, 1885, in accordance with the prison rules and regulations, and the offence is one for which flogging may by by-law be imposed. The other prisoners were present at the time.

By reference to the newspaper articles and the report of certain proceedings in the House of Assembly, returned herewith, and to the formal charges preferred by Mr. Murphy, it will be seen that the Warden is charged with having improperly and cruelly reported Fay for corporal punishment on the charge of having assaulted guard Guinness whilst in discharge of his duties, and that as a consequence such punishment was inflicted.

Your commissioners have very carefully gone over the mass of testimony that was given in this man's case, and have considered it with an anxious desire to ascertain the real facts of the case. The fact shows that Fay was a very insubordinate prisoner. He appeared to have a perfect contempt for all prison rules and discipline, and an apparent disregard of the consequences of violating them. Indeed his conduct may be said to have been good up to the time of the more serious charge of his assaulting guard Guinness. Possibly the evidence would warrant in putting his conduct and behaviour more unfavourably for him.

Taking the whole evidence adduced, we are of opinion that the charge made by guard Guinness against Fay is substantially proved. In the testimony of the different witnesses, discrepancies occur, as they will in all human testimony, depending upon what people see, but in the main, it is established pretty clearly that an assault of a character, and, under the circumstances which rendered severe punishment necessary was committed.

Your commissioners are of opinion that, from the appearance and demeanor of the witness William Burgess, and his evident truthfulness and absence of feeling or prejudice, his testimony is entitled to credit. He details the circumstances under which Fay committed the assault on guard Guinness and the language used by the prisoner in doing so. We do not here repeat such language, but simply refer to the evidence of the witness Burgess with respect to it. We come to the conclusion that the circumstances warranted the Warden in declaring that in his opinion flogging should be inflicted, and in the propriety of inflicting it. So long as flogging remains part of the system of punishment in the Central Prison, we think this was eminently a case for its exercise.

It is also charged that, the evening on which this assault was committed, Fay was taken from his cell and placed in the dark cell in irons by the Deputy-Warden. The prison authorities were, in our opinion, justified in taking him from the cell in which he was ordinarily confined at night, and placing him in such a situation as neither his presence nor conduct would tend to degrade the discipline of the prison. The placing of Fay in the dark cell in irons, appears to us a matter of police regulation which could not be done until the authorities should determine what punishment should be inflicted upon him for the offence. No undue punishment appears to us to have been inflicted upon Fay. When 15 lashes had been given, the flogging was stopped, and the Warden asked him if the remainder was remitted would he conduct himself properly in future. He promised to do so, and was released. His prison conduct during his second imprisonment is quite consistent with the promise he then made. The Warden swears:—"He went out to work that afternoon of his own choice." Fay does not say otherwise. In his testimony in speaking on that point, Fay is asked the question,—“What was done with you after you received the fifteen lashes?” He replies:—"I was ordered to go to my own cell, then." He is further asked:—"How long did you remain in your cell?" He answers:—"I went out the next morning, sir." He corrects himself by saying—"that



afternoon"—which agrees with the Warden's version of it. He appears to have been put at working with a pick. It does not appear that Fay was set to work the afternoon of the flogging otherwise than by his own choice, and did not then, nor on the witness stand complain of his inability to work, or that he did work, not through, but by the compulsion of the Warden.

The evidence does not warrant us in saying that the previous punishments imposed upon Fay were not justifiable. In such cases the Warden must in a large measure be the judge of what is the proper punishment to impose, and in this case, we cannot say that the punishment was not justifiable or right. We have, however, to express our strong disapprobation of the course pursued by the Warden in not fully investigating the circumstances connected with the striking of the guard by this prisoner, and of hearing him in answer to the charge before reporting him for corporal punishment. We think that such should only be inflicted after the most careful and searching examination in the presence of the prisoner, and not as was done here, on the report of prison officers merely, and without calling on Fay for any defence or explanation of his conduct. The fact that corporal punishment can only be inflicted after the Inspector has given his consent to the Warden's proceeding with the punishment, does not, in our judgment, relieve or excuse the Warden from making that full and thorough investigation, before reporting, which, not only the regulations of the prison, but common justice demands.

#### ALEXANDER NICHOLSON'S CASE.

This is the case of a young man, 20 years of age, sentenced from Kingston for one year to the Central Prison, on a conviction for assault with intent to do grievous bodily harm. It was his first offence; he came into prison on the 27th November, 1884.

On the 9th January, he and some others, amongst them a man named Dupont, attempted to escape from the hospital, and had a portion of the door cut away, when they were detected and their designs frustrated. An official report was sent to the Inspector, recommending that Dupont be flogged. The Inspector being ill at the time did not reply till the 24th January, when he stated some objections to corporal punishment, and recommended the dark cell. Some correspondence or interviews had taken place between the Warden and several friends of this prisoner, who had a better opinion of him than the evidence would seem to justify. Nicholson was confined in his own cell on bread and water for probably about a month, during part of January and February last (he says about 37 days), and complained of the cold, having no bed and only two blankets. Guard Irving narrates the attempted escape of Nicholson out of the hospital window, and the Deputy-Warden testifies as to the cutting of the window.

Nicholson swears that he was in bed in the hospital, and that guard Rutledge took him away to the dark cell, and did so on another prisoner (a cook), pointing out to the guard that he (Nicholson) was one of the men. He complains of no investigation, and that he got no satisfaction from the Warden as regards a letter asking for an interview; the interview was, however, granted.

Guard Rutledge gave no evidence regarding this case, nor does guard Hunt, and the evidence against Nicholson rests on the statement of guard Irving, so that there are some differences in the stories told in the box as told to the Warden, when his report was framed on the 9th January. A subsequent letter of the 13th April from Mr. Massie, does not show up Nicholson in a favourable light. On the 6th April, he was sent to the dark cell for 72 hours, for noise in his cell and abuse to the guard. Three or four days afterwards, for leaving his work and going to the broom-shop without permission, he was similarly punished. After this, except some insulting remarks to guard Irving, for which he was not punished, the commissioners have no evidence.

It is impossible for the commissioners, with such evidence as this before them, to say that the Warden was not justified in inflicting adequate punishment on the statement of

guard Irving, though the case would have been much simpler if the other witnesses had given more satisfactory evidence. Nicholson was very severely punished, and may not have deserved it to the extent inflicted, but the offence as charged is a grave one, and might have been very disastrous had it been effectual; and the extent of a deserved punishment in such a case is a matter that cannot be safely reviewed by your commissioners or any one else, so long after the event.

#### WILLIAM GIFFORD'S CASE.

This man was convicted by the Police Magistrate of the city of London, on the 17th December, 1884, of having unlawfully and wilfully obstructed an officer of the Grand Trunk Railway Company in the discharge of his duty when in the charge of a passenger train, and sent thereto to the common gaol of Middlesex for the space of three months. From there, he was by law transferred to the Central Prison at Toronto.

It appears that on Sunday morning, the 1st February, 1885, a prisoner fell out when on parade, and reported that shortly after arriving at the prison and while waiting to be examined in pursuance of the rules in that respect, Gifford asked him for what money he had; he (Gifford) promised to return the money to this prisoner, after the latter was clothed in prison uniform. The prisoner from whom Gifford received the money had not been an inmate of any prison before, and on being told by Gifford that he could get tobacco and other things if he had money, but none without it, he gave Gifford all the money he had. Afterwards Gifford refused to give it to him. The two prisoners were brought face to face before the Warden, when Gifford denied getting the money; but the Warden was satisfied from the statements of this and other prisoners that Gifford did get it, and that he had it in his possession a day or two before enquiry. The Warden being satisfied that Gifford had the money in his possession somewhere, gave him the alternative of restoring it, or going to the dark cell for 72 hours. He determined to go to the dark cell, and was placed there on the 1st February, 1885, and was released on the 4th of the same month.

On the day of his release, Gifford was reported for causing a disturbance in the prison wing, and refusing to stop when requested so to do by the guard. For this the Warden sentenced him to an additional 72 hours in the dark cell. After that, the prisoner behaved properly during the rest of his imprisonment.

It is charged against the Warden that these punishments were excessive and cruel treatment of this prisoner.

So long as dark cell punishment is prescribed by the regulations, we think, for such offences as Gifford was found guilty of, that the Warden was well warranted in imposing that means of punishment upon Gifford. Gifford was not called as a witness, and we have no evidence questioning the propriety of the Warden's finding on the first offence. He took the word of others as to Gifford's guilt and judicially found him guilty of the offence. Guard Tansey swears that Gifford afterwards admitted it to him. Gifford had in fact been guilty of a criminal offence as well as an offence against the rules of the prison, and for such he was punished as mentioned. The punishment did not seem to have a very salutary effect upon him, for on the day he got out of the dark cell for the first time, he was again reported by a guard for making a disturbance by singing in the prison wing and refusing to desist. For this the Warden again sent him to the dark cell for 72 hours. Making noises appears to be a favourite means by some prisoners, and particularly those who have been inmates of a prison before, of causing annoyance to others, and if not suppressed, of materially lessening the good effect of prison discipline on the prisoners generally.

It being one of the first duties of a prisoner not to misconduct himself in his cell, so as not to disturb the rest and peace of other prisoners, and which Gifford must have known he was doing, we do not see what alternative the Warden had but to punish him by removal from his ordinary cell to the dark cell. He had no other place to put him, and we think he was, under the circumstances, justified in putting him there.

As to the charge of cruelty to this man by the Warden, or by any one for whom he should be reasonably held responsible, we think it has not been made out. The only evidence upon that charge that we can find is that of guard Guinness, who in answer to the question,—“Would you know anything about punishment inflicted on him (Gifford)?”—answers—“No, sir, but I have seen him one night in the dark cell when he had a fainting fit, and, I think, he was suffering from an attack of hemorrhage from the head, or blood was coming from the head on the floor while in a fit.” The evidence does not show that this was communicated to the Warden or in any way reported on, as we think in such cases it should be done. If it had, and the surgeon’s attention had not been forthwith called to the case, or if the Warden had not made an examination into the case, he would have been open to censure. As the evidence stands, we do not think in this case that the testimony establishes the charge of cruelty against Mr. Massie.

Having now disposed of the cases mentioned in your commission, we now proceed to report upon the other cases—which from the evidence given before your commissioners they deemed of sufficient importance.

#### LYMAN DORSEY, ALIAS EDWARD WILLIAM’S CASE.

This man is a negro who was convicted on the 4th February, 1884, by the Police Magistrate at Hamilton, for the crime of larceny, and sentenced therefor to the Central Prison for the period of 22 months. He is reported as 34 years of age, his place of residence Albany, in the State of New York; that he was born in the United States, is a shoemaker by trade, and that he can read and write. The gaol surgeon at Hamilton certified that he was sound, well, and able to work. This is the second term which this prisoner has spent in the Central Prison,—his first being on a charge of indecent exposure of the person, for which he was sentenced to four months’ imprisonment. During his first term he was reported five times for misconduct, and twice punished by confinement in the dark cell. One of these reports against him, dated 11th September, 1883, was for neglecting his work, making frivolous excuses for being absent therefrom, and for assuming a threatening attitude. He was also charged with having threatened to “fix” one of the guards before his term was up, and with doing several acts of violence. He was discharged from the prison on the 29th September, 1883; and was again returned to the prison on the 12th February, 1884, from the city of Hamilton, as already stated. He was put to work in the south shop, and seven days after his admission was reported for using profane and threatening language towards another prisoner, and for this offence was reprimanded. On the 30th of the same month, he was reported for whistling and making a noise, refused to stop when told to do so, and using bad language towards the guard;—for this he was put in the dark cell for three days. On the 29th March, he was again reported, for leaving his machine without permission, and for striking another prisoner named William McDonald, because the latter would not allow him to look through a tool-chest;—for that he was put in the dark cell for 38 hours. As the guard over the men in the south shop could do nothing with him and failed to keep him in subjection, the Warden placed him in the dark cell, remonstrated with him and warned him, and, after obtaining a promise of better conduct thereafter, the prisoner was restored to his place in the shop. He kept his promise until the 8th May, when he was charged with fighting in the shop, and was reported again for the same offence, on the same day, when entering the prison to dinner; for each of these offences he received three days in the dark cell, with a respite of 24 hours between them. On the 26th June he was reported for insolence to the foreman of the shop, for refusing to do his work as directed. On making enquiries as to this report, the Warden learned that when told by the foreman how to do his work, the prisoner got into a passion and was very insolent and abusive to him; for this the Warden threatened that he would give him three days in the dark cell.

On the 10th July he was reported again for fighting in the shop with another prisoner named Smith; and the Warden learned upon enquiry that Dorsey went up to Smith, who is a quiet, well-behaved prisoner, and without provocation struck him, and the row caused



quite a commotion amongst the prisoners ; for this Dorsey was confined three days in the dark cell.

On the 16th July he was reported for running from seat to seat in the chapel, and talking and laughing while the service was in progress ; for this he was warned that if he was again reported for misconduct he would be flogged.

On the 31st of the same month, he was reported for making a knife contrary to the prison rules, and that he had threatened to take the life of foreman Sweetman, and was making the knife for this purpose from a flat file ; for this offence the Warden ordered him to be confined in his own cell for thirty days on bread and water, without a bed.

On the examination of the prisoner before your commissioners, he confessed that he had made this knife, and would not deny that he had done so for the purpose of doing violence to the Warden or some of the guards.

Before the expiration of this term of confinement in his own cell, the Warden visited him, and he expressed great penitence, sobbed and cried and promised that if he were forgiven and allowed to go back to work he would never misbehave himself again in any way. The Warden then released him and sent him to the shop, but before an hour had passed, Dorsey was caught at the emery wheel trying to convert a flat file into a knife. The Warden considered it dangerous to the lives of himself and others to allow him to remain in the shop, and he again confined him to his cell, where he remained until the 10th November, 1884. The Warden visited him frequently during that time and found him sulky, insolent and insubordinate. Eventually, Dorsey sent for the Warden and promised not to offend again if he would let him go to work ; he was accordingly sent to the broom-shop and put to work sewing brooms ; he did not like the work and expressed his dislike for it in various ways.

On the 17th November he was reported for not standing in his cell door in a proper manner, although he was told repeatedly to do so ; also for talking to the other prisoners in the galleries. This, it was said, he did to annoy the guards and shew his contempt for the rules of the prison. For this and his bad conduct in the shop, the Warden ordered that he be again confined to his cell on a bread and water diet. On the 24th November, 1884, after begging to be released, he was restored to his work and a full diet. He gave a good deal of trouble to the guards and foremen in many ways, did his work improperly, would leave his place, talk to the other prisoners, and assumed a defiant attitude in the shop and on parade. Almost daily complaint was made by the guard about him, but the Warden told the guard not to report him if he could avoid it ; to do the best he could with him. The Warden repeatedly admonished, warned and reprimanded him after these complaints so as if possible to avoid punishing him ; but on the 27th January, 1885, the guard again reported him for not sewing his brooms properly. When spoken to by the foreman, Dorsey flew into a passion, swore profanely, and said he could not do any better, and threw the broom he had in his hand down, continuing to use bad language in the presence of the guard ; for this the Warden severely reprimanded him, after which he did better for a short time. On the 25th February, 1885, he was reported for disobedience, in positively refusing to shave himself when told to do so ; he was locked in his cell for some days and again sent to the shop. On the 7th April he was twice reported for bad conduct and neglecting his work and was locked in his cell for a few days.

On May 11th, he was again reported for not doing his work, and the bad effect his conduct had on the other prisoners, and he was warned. From that time, almost daily, complaints were made about him, but the guard in charge was told by the Warden to do the best he could with him.

Again, on the 1st May, the prisoner was reported for idling at his work continually, leaving his place of work continually without permission on various pretences and shewing unmistakable signs that he did not mean to do his task. The Warden went to the shop and ordered him to put on his coat and go to the prison ; Dorsey showed an inclination to resist, but he was taken to the south wing of the prison, and the Warden instructed the guard to lock him in the dark cell, whereupon he instantly threw off his coat and drew a knife which he had concealed about his person, and appeared as if he were about to strike the Warden, using at the same time the worst and most profane language



towards the latter. Mr. Massie induced him to put down the knife and he was taken to the dark cell. In the afternoon of that day, Guard Hartley put in a detailed report of the prisoner's proceedings during the previous day, and of the conduct of the prisoner in the shop on the day of the incident above referred to, as follows :—

That in addition to the general bad conduct of the prisoner, he had, since resuming work on the Friday before, been working in a careless and indifferent manner ; and that on the afternoon of that day he did not come out of his cell when ordered to do so, and his absence was promptly reported. He had not complained of being sick or ailing in any way in the morning, although the doctor had visited the shop some time after eleven o'clock and was close beside Dorsey, at which time he said nothing to the doctor about being sick or unfit for work. The guard further reported that he came out on Saturday morning and worked fairly well, completing his task before three o'clock. On the morning of that day, however, it was evident to the guard that this prisoner was going to give trouble ; he kept continually leaving his work. A little after eight o'clock in the morning his press got out of order, but on his reporting it, the machine was promptly adjusted ; so that he lost but a few minutes in that way, but on the Warden visiting the shop at eleven a.m. the guard reported him for not having done his work, and the Warden ordered him to put on his coat and took him away, as has been already described.

On the 2nd June, the Warden applied to the Inspector of Prisons for authority to inflict corporal punishment on this prisoner to the extent of not less than 25 lashes, and that in order to make it effective the sentence should be coupled with notice that another infraction of the prison regulations would subject him to an equal number of lashes. The prisoner, however, was not flogged in pursuance of the recommendation. In consultation with the surgeon and Inspector of Prisons about him, Dr. Aikins expressed some doubt as to the prisoner's sanity, and it was agreed between them that he should be put in a cell under supervision for some length of time ; and when your commissioners were hearing the evidence in the case he was still in confinement in the cell. He had been in since the 2nd June, 1885, the Warden alleging that he dare not let him out.

Dorsey complains that he did not see the Warden when he was accused of any of the charges which have been mentioned, except on one or two occasions. The Warden, however, swears that he saw him on every occasion, and that he had every opportunity to explain his conduct the last day he was punished.

From the evidence which we have before us in this case, your commissioners have come to the conclusion that this man's moral nature is so low, bad and depraved, that it irresistibly impels him to do wrong. From his demeanour on the witness stand, the absence of all contrition for his intention to do violence to the Warden or officers of the prison with the instrument which he had been preparing, the fiendish character of the man, and the total absence of all the better instincts, we think that the Warden was fully justified in removing him from the body of prisoners and placing him in his cell, where he could do no harm, believing that it would be unsafe to allow him to associate with the other prisoners in the shops or about the prison. His malignant disposition and fierce passions appear to entirely dominate and control him. He is unsafe to be at large.

The prisoner's own testimony establishes the fact that, before he came to Canada, he had undergone punishment in some of the prisons of the United States. He appears to your commissioners to be an incorrigible, hardened criminal of the worst instincts, and we do not think he has been treated improperly, or inhumanly, or with cruelty, but that his treatment has been such as is entirely justifiable, considering the character of the man with whom the prison authorities had to deal.

Your commissioners have to express regret that in this case corporal punishment was not inflicted as recommended by the Warden, for if ever any case justified the use of the lash, the facts in this case in our opinion did.

We also found this man very untruthful. In his testimony, he said that he had been "strung up" in the dark cell to the iron rings, which are there placed in the wall. He related this punishment with great particularity. He said that other witnesses could corroborate him, but they proved clearly and unquestionably that such punishment was not inflicted. We have come to the conclusion that Dorsey's story in that respect is purely fictitious and without the semblance of fact to sustain it.

## JOHN CONSIDINE'S CASE.

John Considine is a young man of 23 years, who has been in the Central Prison since March, 1882, on several convictions. His prison record during that time is,—15 punishments, 14 warnings, and reprimands in addition. Most of the punishments are the dark cell, relieved by a variety of short and long periods. Like most of those who came before the commissioners, and who aim apparently to live in the Central Prison, he complained of the food. He complains also in not having had a fair trial, no report in some cases and false reports in others, and that he he was excessively punished—being 110 hours in the dark cell. He is reported or punished for almost every offence capable of being committed in a prison, except that of trying to escape, and whatever irregularity, there may be in his punishment or defect in the leniency of it, there is nothing redeeming in his side of the case. When a young man, arrived at the years of discretion, desires to commit offences against society sufficiently often to secure him a habitation within the prison walls, there need be no very great concern on the part of society if the very hardest usage under prison rules is meted out to him ;—if he is barely tolerated, he gets no worse than he deserves. Some allowance may be made for a youth, who by accident or passion gets into prison, but the recurrent jail-bird of this prisoner's type is worthy of no consideration.

## JOHN O'SULLIVAN'S CASE.

Prisoner John O'Sullivan appeared before the Commissioners and gave his evidence. He complained that on the day he entered the Central Prison he was grossly insulted by guard Guinness, who said to him, "Damn you, you should have been hanged or kept in the penitentiary." He also complained that he was unjustly and excessively punished without trial.

This prisoner was sentenced from Hamilton to the Central Prison, for indecent assault, for a period of twenty months, and was received into the prison on the 22nd January, 1885. About twelve years previously he was sentenced to be hanged for an inhuman outrage on a little girl under circumstances of a most diabolical kind, which sentence was afterwards commuted to life imprisonment in the Kingston Penitentiary. At the expiration of about ten years he was pardoned, and, it would appear, was at liberty only a year, when he attempted a similar outrage, and for which he was sent to the Central Prison. Prior to his removal to the prison he was certified to be physically and mentally sound and able to work.

Respecting his complaint of being grossly insulted by guard Guinness, O'Sullivan stated that a prisoner named Seymour was present and must have heard the insulting remarks. guard Guinness, in giving his evidence in regard to the matter, stated that when he was instructing the prisoners received that day as to the manner of folding their blankets, O'Sullivan offered to act as an informer of the prison, adding that he had done so in the Kingston Penitentiary. The guard asked him if he had been an inmate of the Kingston Penitentiary, when he replied that he had, and that he had been sentenced to be hanged for rape, but boasted of his having escaped the gallows. The guard then replied that he deserved to be hanged. Prisoner Seymour corroborated the guard's statement in almost every particular, and he further stated that O'Sullivan volunteered the information in a boasting way.

Respecting the prisoner's complaint that he had been excessively punished without trial, the evidence and records placed in evidence show that only two reports had been made against the prisoner : 1st. On July 19th, for breaking up a ration of bread and throwing it on the floor. For this he was reprimanded by the Warden. 2nd. For attempting to escape on the 25th June, having run past the gate guard. For this he received 72 hours in the dark cell. The prisoner, in his evidence, swears that he was kept 73 hours in the dark cell, and was then put in his own cell for two weeks on a bread and water diet. He further states that this was done without a trial, and that although

he asked to see the Warden, he did not. There is no evidence to show that the prisoner was kept in the dark cell for an hour in excess of the 72 hours ordered; neither is there evidence of confinement in his own cell. The Warden in his evidence states that there was no necessity for him to see O'Sullivan; that he knew all about his case, and had made enquiry of the guards as to the way he escaped; and, moreover, that he (the Warden) was present at his recapture.

The Commissioners have to report in respect to O'Sullivan's complaints that, having regard to the prisoner's voluntary boast of his infamous crime, guard Guinness, if warranted in making reply, was justified in telling the prisoner that he should have been hanged or kept in the penitentiary. With respect to his alleged excessive and unjust punishment without trial, we find that the punishment was neither excessive or unjust, and that the Warden was fully cognizant of all the facts when he ordered the punishment, and for which, under the regulations, the prisoner might have been flogged.

#### DANIEL J. MCCARTHY'S CASE.

This man has been a prisoner in the Central Prison twice; on both occasions he was charged with the crime of obtaining money under false pretences, and was convicted on four different charges. He confesses that he has also been charged with forgery, but denies that he has ever been charged with any other offences than those already mentioned.

He entered the Central Prison in 1883, and again in 1884. During his first incarceration he acted part of the time as librarian and assistant prison clerk. He states that during that time he was instructed by the Warden to falsify the entries that appear in the prison records, in making out the monthly reports to the Inspector of Prisons. He also says that during that time the punishment records were destroyed under the instructions of the Warden, and he states particularly that Mr. Massie told him it was not necessary, in reports to the Inspector of Prisons, to state that certain prisoners had been in irons, nor to enter in the report the bread and water diet punishment.

We have carefully considered this man's testimony, but in view of his character and demeanour, and contradicted as he is by other evidence which we consider reliable, we do not believe his statement in these respects. There was one man who might have been called to corroborate McCarthy's story, if it had been true, and that man, it was admitted, was in court but was not called. He is the ex-prisoner Coughlan, who acted as prison clerk before McCarthy was appointed. If there had been any truth in the story, this ex-prisoner, Coughlan, could easily have corroborated it.

Mr. Massie swears positively that there is no truth in these statements, and says that any omission that may appear in the report from the prison records must have been accidental, and was not the subject of design on his part or done by his instructions.

McCarthy also states that, on several occasions, it was known among the prisoners, and the fact circulated, that the inspector was coming, and that previous to his visiting the prison the Warden released certain prisoners then under punishment; both of these stories are unsupported by evidence, are flatly contradicted, and are not believed by your Commissioners.

The prisoner says that he had no complaint against the Warden until lately, but that on the 28th June, 1885, he was confined in his own cell, and kept there till the 27th July. We think that it is within the province of the Warden to confine a man in his own cell, if in his judgment, the presence of such a man among the prisoners would be subversive of prison discipline or inimical to the proper administration of prison affairs.

From McCarthy's education, his saying that he is a lawyer by profession, from his intelligence, shrewdness and strife-stirring propensities, we think that during that time the Warden was perfectly justified in treating the prisoner as he did.

This man appears to have a somewhat chequered career. Born in Canada, having studied law here, having gone to the Western States, and, as he says, been called to the bar and practiced there, he evidently got into trouble (as by his refusal to say whether he was convicted there or not, as it might criminate himself, he tacitly admits that he was),



he returns to Canada and succeeds in getting into trouble in almost every town he goes to. He prides himself upon the fact that he is not a thief, and boasts that the only offences he was ever charged with were false pretences and forgery, and he does not deny that he is guilty of the latter, as well as having been convicted of the former.

One reason why he appears to have such an antipathy to the Warden is that, he says, the Warden promised him the position of prison clerk when he should again return to the Central Prison, when leaving the prison for the first time.

We fear that he is one of the prison class-convicts who is more at home within the four walls of a prison, and with the sympathy of the prisoners within, than he would be outside trying to earn an honest livelihood. The misdirection of such ability as this man possesses is to be deplored; but his evidence your commissioners cannot believe.

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### THE POWLEYS' CASE—(FATHER AND SON).

These two cases may be disposed of together, as they were both sentenced for the same offence and at the same time—the son for 16 months, and the father for 28 months.

The son's complaint is that, for whistling in the wing, he was put in the dark cell for 72 hours, and was set to work 10 minutes after coming out, when he was not fit to work—having been fed on a piece of bread and some water for the preceding three days. He was punished on other occasions and gave a very exaggerated account of the badness of the food and the way in which the punishments were conducted.

The elder Powley was reported by Guard Hartley as an inveterate talker, a charge which he admits. He was reprimanded and refrained from talking, but almost immediately afterwards, he says, that "there was an old gentleman working right close by me, and he says, 'they are going to raise 30,000 men in the Dominion of Canada to go to the rebellion in Egypt;' he says, 'I don't believe they'll get the half of that,' and I says, 'yes they will get 60,000, if they wanted them.' Guard Hartley heard me and reported me." For this he complains of being kept ten days in his cell on bread and water—24 ounces of bread, per day, but that he was not brought before the Warden, nor was any charge made against him until the seventh day of his confinement; then the Warden came to see him and promised to see Guard Hartley about it, but he did not return for three days, when the prisoner was let out and not punished thereafter.

The Warden and guard say these prisoners are notorious talkers; that they were admonished very often, and that of course if every one of the 80 or 100 prisoners in the broom shop talked, there would be an end to discipline.

While disregarding all evidence, which conflicts with that of the officers named, there is some cause for remark.

A man fed on bread and water for three days—5 to 12 ounces of bread per day, is not able to do a hard day's work on the fourth day; and to be told, as the younger Powley was, that if he didn't do so, he would again be sent to the dark cell, savors a good deal of severity. The putting of a talkative man, a good worker, in a cell for ten days on bread and water, is ten days lost to the Province. It does not seem a judicious scale of punishment, to inflict the same punishment on two men talking about the war in Egypt, which may disturb the broom shop, as on two ruffians fighting and defying all order and authority.

To punish for the smallest crime with death was an ancient law of short duration in one of the states of Greece, and the lawgiver endeavoured to uphold it, on the ground that the smallest offence merited such punishment, and that it was only a matter of regret that no severer punishment existed for graver offences. If the highest punishment is to be inflicted for talking, or even smoking, what inducement can there be for a prisoner to stop at these, when he will undergo all that is at the Warden's command, just as if his conduct were quite outrageous? If there is any virtue in the dark cell punishments, then some difference should be made between one hour and 72 hours. If the offences have not been very similar, they certainly do not correspond with the punishments, which have been largely on the ancient principle referred to.



## LOUIS WITOWSKI'S CASE.

In the case of Louis Witowski, it was charged that the prisoner was punished excessively, without proper examination into the charges, and also that he was overworked.

This prisoner was sentenced to six months in the Central Prison by the Police Magistrate of Toronto, for the crime of larceny. In the statistical return placed in evidence, he was said to be 18 years of age, an upholsterer by trade, intemperate in his habits, had an elementary education, and had been convicted several times previous to his present imprisonment. The gaol surgeon certified in regard to his physical and mental state that he was sound and fit to work. The prisoner was received into the Central Prison on the 26th March, 1885, and was, after two weeks in the wing, placed at work in the broom shop. From the 15th April to the 17th July, no less than eleven reports were made against him. April 15th—for “idling away his time and not even attempting to do his task; he has not worked since 11 o'clock, and yesterday it was the same.” For this offence, the Warden ordered him to be confined for five days in his own cell on a bread and water diet. May 6th,—was reported for general bad conduct, talking, leaving his place in the shop, picking other prisoners' pockets, and abuse.” For this he was sentenced to 72 hours in the dark cell. May 14th,—“for idling, talking, and neglecting his work, and through his tricks and nonsense keeping other prisoners in idleness.” On this report, the prisoner was deprived of all privileges and confined to his cell on bread and water for breakfast, but a full dinner. May 23rd,—he was again reported for “idling, talking, loitering in closet and not doing his task.” For which he was confined to his cell for 11 days on bread and water breakfast and supper, but a full ration dinner. June 20th,—reported for “neglecting his work, leaving his place, and talking to other prisoners.” For this he was sent to the dark cell 37 hours. On the 25th June, he was reported for “disorderly conduct in the ranks, while on parade to the shop,” for which he was given 72 hours in the dark cell. On July 9th,—reported for “daily leaving his cell, at morning, noon and evening, to communicate with prisoners in other cells.” For this report he was warned that punishment would follow next report. On the 25th July he was reported for “throwing corn and striking a prisoner in the eye.” Confined to his cell for a few days on bread and water diet. On the 27th July, no less than three reports were made against him by three guards, for shouting, swearing, threatening, and disorderly and insubordinate conduct. For these various offences he was confined in the dark cell for 72 hours. The foregoing reports, on which the prisoner was punished, were all produced and sworn to as correct by the respective guards. The sergeant of the prison states that the young man was quite incorrigible, and could be neither led nor driven. The broom shop guard states that he was a bad character who was quite able to do his work, but he would run about the shop, talk, interfere with other prisoners, and that he was not only idle but mischievous. The Warden swears that he often saw him and tried to get him to do his work, but it was simply impossible to restrain him.

The Commissioners find in respect to Witowski that he was not punished excessively, nor was he overworked.

## JAMES MORGAN'S CASE.

This man came from the United States. It was reported to the officers of the law at Toronto that he was a professional burglar, and he was arrested on suspicion of having burglars' tools in his possession. He was tried and convicted by the police magistrate of that city, for having such tools in his possession with felonious intent, and was sentenced on the 20th April, 1882, to twelve months in the Central Prison.

For several months after his incarceration he displays no evidence of insanity, but his behaviour was often in violation of the prison rules.

On the 23rd May, 1882, he was reported by the guard and sentenced by the Warden to 65 hours in the dark cell. On getting out at the end of that time, he was again reported

for refusing to do the work allotted to him, although the prison surgeon certified that he was fit to do the work, and was in consequence, on the 25th May, sent to the dark cell for 70 hours. This had no beneficial effect upon him, and his perverse disposition was the subject of discussion between the Warden and prison surgeon.

On the 5th and 7th November, 1882, the surgeon examined him and reported him on both occasions as fit for work; he, however, again refused to go to work, and made complaints against Guards Hartley and Clancy to the Warden. The latter cut him short and ordered him to go to work at once, which he did, but very unwillingly.

On the 10th November Morgan fell out of his place at dinner time and, instead of going to his cell, attempted to go to the dining hall, but Mr. Massie prevented him and ordered him to go to his cell; he turned on the Warden in a defiant and threatening manner and declared that he would not do so until he got satisfaction out of the Warden. The Deputy-Warden told him to take his dinner and go to his cell, but he defiantly shook his fist and replied that he would not do it until he got satisfaction out of the Warden. Owing to the conduct of Morgan on this occasion, the Warden had to strike the gong and put on the crank, thereby locking in the other prisoners in their cells, but leaving Morgan in the corridor.

For the prisoner's conduct on this occasion, the Warden reported him as a fit subject for the infliction of corporal punishment, and recommended that he should receive a flogging to the extent of 25 lashes. That report was confirmed by superior authority, and on the 11th November, 1882, at 11.30 a.m., he was subjected to that punishment. Up to the time of this flogging, the prisoner had not displayed any symptoms of insanity, nor do we find that the surgeon reported him as a prisoner on whom corporal punishment should not be inflicted.

On the 17th November, he was sent to the hospital on observation. Dr. Clarke, the superintendent of the Provincial Lunatic Asylum, at Toronto, and Dr. Aikins, the prison surgeon, both examined him, but could not say that he was insane. Morgan continued in the prison hospital under medical treatment until the 29th December, 1882, when he was transferred on the prison surgeon's report of his insanity, to the Lunatic Asylum, at Toronto, in which institution he died on the 2nd of July, 1883. It is proved that when admitted to the asylum he was insane,

Your Commissioners have to report in regard to this case that, although Morgan displayed peculiarities of manner, which in the light of his subsequent state of mind may possibly be traced to premonitory symptoms of insanity, yet we cannot say that these symptoms had become so apparent, at the time corporal punishment was inflicted on the prisoner, that the officers using due observation should have become cognizant of the fact that insanity existed. We acquit the officers of all imputation of blame in that respect.

This is one of those unfortunate cases where insanity must have been approaching, yet had not so developed itself as to be observable by the prison officers, nor justify them in treating him in any other manner than as a sane prisoner.

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#### DENNIS McCARTHY'S CASE.

This was a boy of 15 years of age, who came from Ottawa to the Central Prison. He was sentenced on the 17th November, 1884, for one year for the crime of larceny. It was the second conviction against him. He was not sentenced to the Reformatory, as his prior sentence had been there.

He complains of overwork, of being punished unjustly and excessively and without any investigation. He narrates the task of sizing corn, showing that when he went into the prison his task was three bales a week, and that the number was increased until April, 1885, when his task was six bales a week. This he could not do and do it right, he says, and for not doing it was punished with 72 hours in the dark cell, and otherwise in his own cell. He explained to the guard that he could not do four bales, and do them properly. He is not very clear as to his confinement, but thinks two weeks on bread and water was the highest. During his confinement, the Warden came to see him and asked him to do his work properly. To use the prisoner's own words, the Warden remarked to

him if he would "that he would let me out, and I told him I would do my best, and he said that wasn't enough, he said he wanted it done right. I said I would do my best." The last punishment he got was 29 days in his cell with two full meals. The other boys, Coughlan and Stratton, were also punished for not doing six bales a week.

The Warden, in his examination, says that McCarthy was a very troublesome boy, and could do the work which was determined by the guard. The Warden admits the statement of McCarthy as to his offer to do the best he could, but did not believe him. He was repeatedly punished for not doing the work, and after consulting with the guard, "I concluded," the Warden says, "there was nothing else could be done but to frighten him into doing his work, and I ordered him to be put three days in the dark cell, and he served the three days." A week afterwards he is warned that unless he stops talking he will be confined to his cell for the remainder of his sentence. There were daily complaints against him from the foreman.

The guard (Hartley,) says, McCarthy is a bad, troublesome boy; that he can do his task. He goes over the punishments—ten reports, averaging two a month, eight of these for not sizing corn. In this respect, this case differs from the preceding ones in this report, where the non-performance of the task was clearly due to idling and non-performing propensities.

This case raises the question of over-work—a very difficult question, and one depending upon a good many circumstances. The guard of the broom shop is an experienced man, skilled in the trade, and, having allotted a task to a man or boy, may be fairly assumed to bring the best judgment to bear upon its being a proper one.

The task being assigned, it would lead to demoralization in the shop, or at least amount to a confession of error in judgment, if the prisoner were not made to do it. McCarthy, after being in some months, and doing from three bales a week up, finally reaches six bales a week, the highest task in the prison. This is undoubtedly a good task, as Mr. Redican, a skilled workman in the city, swore. McCarthy is a boy of 15 years of age, and it appears that he is punished every second week for four months for not doing his task. He swears that he can't do his task. Mr. Massie and the guard swear that he can. If he can do this task, then the punishment need not be regarded; but, if unable to do it, his punishment, in view of his offer to do the best he could, was unmerited.

While, in the face of the warden and guard's evidence, it must be found that McCarthy could do the task, it is no doubt giving them credit for knowing the capacity of a prisoner better than the person knows his own capacity, and McCarthy may have sworn to the truth. In other respects he told a straight story. His punishment was for not doing the highest task in the prison. When he offered to do his best—four bales per week—it might be said that the offer should have been accepted, though on the other hand, this would lead to demoralization, by allowing each prisoner to fix his own task.

In view of the evidence given as to the size and quality of the bales, and their difference in many respects, it is not in the capacity of any human guard to allot an absolutely fair division of bales to any two prisoners in the broom-shop. To punish a boy, bad as this one was, for not doing the highest task, was a very great compliment to the judgment of any person; and perhaps not undeserved in this case. The Commissioners feel bound to say that a case may arise in which it is an extremely unsafe thing to punish such a person for not doing the highest task. No doubt this and similar cases are surrounded with many difficulties. It is a great pity that such boys should be sent to the Central Prison; they should be sent elsewhere.

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#### MICHAEL GOGGIN'S CASE.

The case of Michael Goggin, although not specially mentioned in the commission, was referred as one in which it is alleged that extreme cruelty, harshness, and ill-treatment were practised on an insane man.

Michael Goggin, aged 23, was sent to the Central prison for six months by the



Police Magistrate of Belleville, for vagrancy. He was received at the prison on the 2nd September, 1884. The gaol surgeon certifies that the prisoner's physical condition was normal, and that he was quite able to work; that his mental condition was somewhat peculiar, particularly after drinking spirits, and that he was vicious and generally bad, and that he tried to feign insanity in order to get rid of work.

Prisoner McCarthy, in giving his evidence, used the following language:—

"Goggins, the biggest part of the time, was in the next cell to me; only while he was chained in the hall. They used to chain him there and lay his bed down beside the post. He would act like a crazy man; any one could see that he was a little off. Sometimes he used to keep me awake three or four nights together. I saw guard Guinness poking at him with a long pole. It put me in mind of a fellow going around with a bear. I thought he wanted to make him dance."

Guard Guinness in his evidence states "that Goggins was a lunatic, and that he was a very dangerous man to go near. I had to supply him with food, and I would not go into the man's cell myself, but I always took the precaution to slip his meals in to the cell as cautiously as I could. Sergeant Franks went near him and got his face all smashed up, and for this reason I would not go near the man myself. The man raised a cup and smashed Sergeant Frank's face all open, and when I would want to get his empty dishes, we had a pole in the wing that we had for pulling down the window, that had a little hook on the end of it, and I used to get this into the cell through the bars and pull through his dishes, and when I would see him make a grab for the pole I would pull it out. I used to get the dishes near the door, and when I found him standing near the other end of the cell, I would cautiously open the door, with one hand on the door and one on the key, so that if he made a rush all I had to do was to close the door. This is all I ever did; never struck him with the pole, or poked him up with a long pole or anything else. He was a powerfully built man, about 185 or 190 pounds, and of very violent temper."

Sergeant Franks corroborated the foregoing evidence of guard Guinness. Guard Hunt said he considered Goggins an idiot, and thought so when he came in first. When spoken to, he would stand on his toes and make all manner of faces. Goggins was received into the prison on the 2nd September, 1884, and was reported insane on the 19th or 20th September, and was removed to the Toronto Asylum on the 11th November.

Dr. Clark, Medical Superintendent of the Toronto Asylum, testified that he received Goggins on the 11th November, 1884, and that he died on the 31st January, 1885. He could not say how long he had been insane before his admission to the Asylum. He had no bruises or cuts on him when he was admitted.

It should be stated that two reports were put in against the prisoner; first, for spitting in a guard's face, and again for striking another prisoner a blow on the nose. In both cases, the Warden recorded on the reports "The prisoner is insane," and he was never punished.

It is quite evident that the prisoner was insane at the time of his commitment, and he should never have been sent to the prison. The Commissioners find that the prisoner was neither treated cruelly nor with harshness, and that it was necessary for the safety of others to confine him to his cell.

#### IGNATIUS REDDEN'S CASE.

This man was three times committed to the Central Prison. Once for vagrancy, from the city of Toronto; the second time from the city of Guelph, and the third time from Toronto. It is charged that he was confined in his cell an unnecessary long time on bread and water diet, and that thereby cruelty was inflicted upon him. He says himself it was 45 days that he was confined. One of the other prisoners, D. J. McCarthy by name, says he reckoned it up from the books, to which he appears to have access, and that Redden was in 50 or 59 days.

The prisoner would probably know best how long his punishment continued. The



evidence shews that Redden would not work ; that he was tried in every reasonable way ; indeed, preferred not to work, with the consequences which his refusal entailed, rather than go to labour. He is said to have been one of the three laziest men that were ever in the Central Prison, as sworn to by guard Kirkpatrick, who also says that Michael Wynne was another of the three. He says, " When I first saw Redden, he was so lazy he would not stand up. If you gave him a spade to dig with, he would would put his foot on the spade and keep it there as long as you liked ; he would make no attempt to work."

The evidence warrants your Commissioner in saying, that Redden certainly was not the man that could be got to labour, or whose presence with his lazy habits, was desirable to have among other prisoners. What then was to be done with him? We see no alternative for such a case but punishment of some kind. To lock up such a prisoner in his cell is not punishment. It is simply part of his sentence, labour being expressly and possibly incidentally superadded to it.

Your Commissioners, therefore, think that the Warden was justified in confining this man to his cell until he was prepared to go to work. This he persistently refused to do, although frequently requested. There is abundant evidence to shew that he preferred confinement in his cell to labour, to which he appears to have an intense aversion. The work he was put at was such as he could reasonably do. He was not incapacitated by any physical ailment, although he tried to make it appear so to the guard. The surgeon, we must presume, found him fit for work, and there is no evidence to warrant us in saying that he was not a man fit for labour. He simply contumaceously refused to work. What is to be done with such a person, except imprisonment in his own cell, is a question which will be discussed hereafter?

It is complained that the prisoner should not have been confined so long on bread and water diet, and we agree in that view of this case. The evidence does not warrant us in saying that this man's health was injured by it, or that a man could not live for several months on such diet. In considering the question of injury to health, so much would depend on the age of the man, his previous habits, the robustness of his constitution, his temperament, and a variety of other circumstances, that any general opinion cannot be of much value. Each case must be determined by the facts displayed. But the evidence of the medical witnesses and our common sense, show that such long subsistence on vegetable production is not calculated to produce health, but on the contrary, must tend towards a debilitation of the human system. A certain variety of food is necessary for healthy development, and we repeat that the absence of such for a lengthened term tends in the opposite direction. We think the Warden and gaol-surgeon should have more carefully observed this case and tried to find out more particularly whether not Redden could be induced willingly to go to work, and if he should still persist in such refusal, corporal punishment should have been inflicted. In any case, we do not think that a man should be starved into submission to work, but that bread and water diet should only be imposed for a reasonable time—which the evidence warrants us in saying has been exceeded in this case.

Redden complains that the Warden would not give him money to return to Guelph. He had forfeited all claim to any money on leaving the prison by his previous bad conduct as a prisoner.

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#### PRISONERS SIMPSON AND ALLEN.

Prisoner Simpson was sent for eighteen months to the Central Prison on a charge of larceny. He was in for a three months' sentence prior to this, and was one of the prisoners who made complaints to the Commissioners on their visit to the prison.

He complains of the hospital guard and of the doctor. The guard, he says, told the doctor that he, the prisoner, would not take his medicine, when he was taking it three times a day ; that he was suspected of attempting to escape with another prisoner. The gaol surgeon, in his evidence, stated that he had instructed the hospital guard to apply to certain prisoners who were suffering from diseases of the bone, joints and spine, what

is known to the profession as "Corrigan's Minor Cautery," which is a piece of bent wire with a small steel button, about the size of a five cent piece, attached to it. This is heated over a spirit lamp until it becomes so warm that the fingers cannot bear it, when the skin is tapped with it at several points. The surgeon stated that the application of the button does not compare in severity to the application of a fly blister.

In Simpson's case, the surgeon ordered him to work, and he says he was not able to work; when he got out he threw up, and went back again to his cell. While there, the guard burnt his back seven or eight times, and the marks are there yet. He did not know that it was done by direction of the doctor, but when the guard was doing it, he said, "You will not come back to me any more with a pain in your shoulder." He thinks this burning was done for punishment rather than as medical treatment. He was punished only once, and he admitted the charge, of dancing in his cell; as it was his first offence, he was let off. Dr. Aikins was examined as to this, and says it is correct that such treatment was ordered. He says it is an ordinary surgical treatment, called "Corrigan's Minor Cautery." It does not compare in severity with a blister. The doctor medically then explained the treatment, the necessity of its use medically, and the propriety of the treatment was attested by several other medical gentlemen in the box.

This case has been referred to, because the fact was noted publicly of men being branded and burnt in this way in the prison; but there is nothing in it and some kindred cases—Allen, etc.—in which the cautery had been used, not calling for any remark from your Commissioners.

#### JOHN LINDEN'S CASE.

The case of John Linden was referred to in a newspaper report in the following words: "We charge that under Mr. Massie's *regime* many acts of gross cruelty have been perpetrated. Here is a case in point, the record being taken from the *Surgeon's Journal* :

"Thursday, July 26th, 1883. John Linden, 18 (C 231), Broom Shop; in dark cell 54 hours, from Sunday morning until Tuesday evening. Temperature, by hospital guard, 101. Relieved in consequence.

"Sunday, August 12th, 1883.—Linden, John; temperature,  $101\frac{1}{2}$ ; 10 p.m.; pulse,  $102\frac{1}{2}$ ; 110; 2 a.m.

"Monday morning, August 13th.—Died at 20 minutes to 5 this morning."

"This brief chronicle speaks for itself. Few dream that such things are going on in a Christian country."

The prisoner Linden was sentenced to the Central Prison from Welland, for the crime of horse-stealing. His sentence was for one year and 360 days from the 6th April, 1883. According to the return sent with the prisoner, he was a young man 18 years of age, who followed the occupation of farming; was reported to be temperate in his habits, and had an elementary education. The gaol surgeon of the Welland gaol certified that he was well both mentally and physically, and able to work. He was received into the Central Prison on the 11th April. On the 11th June, he was reported for being connected with a disturbance in coming down stairs from the evening school, and for striking at a prisoner. For this report, which was the first, he was only reprimanded. On the 12th July he was again reported, and only warned. On the 21st July, he was reported for "general misconduct; for not doing a reasonable quantity of work, and through gross carelessness breaking one of the upper windows." For these offences he was committed for 72 hours to the dark cell and deprived of all privileges. Guard Eames testified that he visited the prisoner a good many times in the dark cell, and guard Hunt in his evidence states that he was telephoned that Linden was sick, and on testing his temperature he found it to be 101. He reported the fact to the Warden, and the prisoner was removed from the dark cell to his own cell. Next day the prisoner was visited by the surgeon and prescribed for, but it would appear that his case was not considered dangerous, as he went out. The guard, however, could not say if he went to work; but on guard Hartney reporting that he was again sick, he was sent to his cell,

and next morning, 26th July, he was sent to the hospital by the surgeon, where he was treated. Symptoms of typhoid showed themselves, and under the instruction of the surgeon, the hospital guard registered the patient as suffering from typhoid fever. A coroner's inquest was held and a verdict given that the prisoner died of typhoid fever. It was claimed that the prisoner contracted typhoid fever from eating tainted corned beef that had been served out to the prisoners; and it was further alleged that the Warden tried to get the prison surgeon to sign a false or misleading certificate, concealing the fact that the prisoner had died of typhoid fever, in order that the body might be conveyed by the Grand Trunk Railway to Bowmanville. With respect to the last charge, the surgeon states that he was applied to for an order to pass the corpse by rail, but he objected to giving a certificate, because the prisoner had died of a contagious disease, and he knew the railway would not take the body under such circumstances. The exact contents of the certificate or order that the surgeon was solicited to sign he could not remember, nor did the information come out in evidence, or by the production of the paper in question; he (the surgeon) could only testify that the document did not state that the prisoner had died of typhoid fever; that being omitted he did not sign it. Whatever was the purport of the missing document, it was evident that it was not sought for the purpose of falsifying the prison records, as the verdict of the coroner's jury was recorded on the books, shewing that the prisoner had died of typhoid fever. Presumably the exact cause of death was not specifically set out in the document, in order that the Railway company might not object to carrying the corpse of a man who had died of a contagious disease, but this conclusion is a mere surmise.

Respecting the cause of typhoid fever in Linden's case, there is also doubt. The prison surgeon was asked the question at the coroner's inquest, and he did not state how the disease was produced. In giving his evidence before the commission, he was equally careful; he said the disease might have been attributed to bad food, or to uncleanness near the hospital, or it might have been sporadic—sprung up by itself. Be that as it may, the Commissioners cannot find that "gross cruelty was practised upon the prisoner Linden"; on the contrary, his commitment to the dark cell was a deserved punishment, and as soon as his sickness was discovered, the Warden ordered his removal from the cell, and he was carefully attended to in the hospital until he died.

#### CHRISTOPHER VANATTEN'S CASE.

This man has been three times in the Central Prison, and at least once besides in the common gaol for crime. He is now 28 years of age, and was convicted for the first time, according to his own evidence, about 13 years ago. He cannot say what proportion of the time since then he has been under punishment for crime. He first entered the Central Prison in 1880, for larceny, under sentence of the County Judge's criminal court at Brockville, of nine months' imprisonment. Vanatten came to the prison again in 1884, on conviction by the same court, under sentence of 23 months, which he is now undergoing. This prisoner has during his several terms in the Central Prison received a greater number of punishments than any other convict. We take his own word for it. He is asked:—

"Were you punished the previous times you were in the prison?" To this he replies—"Yes, sir, it has passed my knowledge how many times."

Q.—"You were frequently punished?" A.—"Yes, sir."

Q.—"So many times you don't know?" A.—"Yes, sir."

The Warden in his evidence says: "I consider Vanatten one of the worst men that has ever been in the Central Prison." His record during his three terms seems to bear that out. The Warden is asked: "Did you investigate his case?" He replies: "I have investigated every case and spoken to him again and again. He was a most difficult man to do anything with."



Vanattan has two complaints to make ; first, that his soup was sometimes not to his liking, and sometimes the potatoes were bad ; and, second, that guard Hartley did not treat him properly. To the first charge, he replied when questioned, that he used to like soup out of the prison, but he did not like it in the prison. The question is put by Mr. Irving :—

“Any special reason that you do not like barleysoup?” A.—“No, sir.”

Q.—“Why?” A.—“I could not say ; I could not find any fault with it.”

Q.—“Wanted a little flavouring probably?” A.—“Perhaps that is it.”

Q.—“A little of the essence of celery?” A.—“Perhaps.”

It is needless to say how frivolous this first charge is on the evidence. In the summer of 1885, the potatoes, naturally, got somewhat bad, but many others, including the guards, used them without complaint. As to the charge against guard Hartley, we do not find any evidence in support of it.

#### PIERCE KELLY'S CASE.

This young man has been twice in the Central Prison, once in 1883, (during which he was reported several times and severely punished for breach of prison rules), and again in 1884, when he was convicted at Perth, on the 21st of June, for having committed an assault upon a clergyman at Smith's Falls, and was sentenced to eighteen months hard labour in the said prison.

During this second term, he has also been repeatedly reported, and suffered punishment for various offences against the rules of the prison.

He complains that he suffered from want of clothing and other necessities during his imprisonment. The evidence does not warrant us in saying that this ground of complaint is well founded. On the contrary, we think it is not.

He also complains that during his imprisonment the food was not good ; but as the question of the quality of the food is one which your Commissioners have taken up and dealt with separately, including the case mentioned by this prisoner, we do not consider it necessary to make any comment upon this particular case here.

#### RICHARD H. GOULDSBURY'S CASE.

A young man, 19 years of age, was sentenced from Sault Ste. Marie on the 18th November, 1884, for one year, for taking part in a riot, with some others that appeared before the Commissioners.

He complains of excessive punishment, twenty-eight days in his own cell on bread and water ; that there was no investigation of his case, and that he was unfairly and improperly punished. He was three times in the dark cell for the usual period, was admonished and warned, and confined in his own cell on two occasions.

His own evidence is to the effect that the overseer of his work in the saw-mill gave him work to do ; that guard Gardner came and ordered him elsewhere, and that he refused to obey the guard. The Warden investigated the matter and Gouldsbury was punished, the Warden stating that his story did not hang well together, and that he would see the bosses. The witness was examined at great length, and although not denying any of the charges, made out against himself a character that necessarily deserved strong condemnation. If the punishment he got was considerable, it only followed his conduct.

The Warden states that he was given to fighting, to continual talking, and he appears to have been a hard man to get along with. If he had been flogged on the first offence, it might have been better for himself and the discipline of the prison.



## RICHARD DAMPIER'S CASE.

In the case of Richard Dampier, it was alleged that he was chained to a ring for a long time. This prisoner's case was not referred to in the Legislature, nor as far as the Commissioners can ascertain, was it commented on in the press. Several witnesses were examined in respect to the facts connected with the chaining of the prisoner, but the replies did not bring out if such treatment was resorted to as a punishment for an offence.

The Warden, in his evidence, said that "Dampier was a man he could do nothing with. We could do nothing with him in any of the works, and we left him in the yard. He would go everywhere he should not be, in the fire-hole, in the engine room, all over, and we had to do something with him. There is a ring at the end of the south block, and the end of the matter was that we just put a leg iron on him and fastened it to the ring, and made him sit there during the day. After a few days he quieted down, and then he went back to his work."

Guard Guinness, in giving his evidence, stated that Dampier was chained twenty-six or twenty-seven days at the end of the corridor; that the prisoner was visited by the surgeon; he sometimes complained of the cold, until the doctor ordered him extra clothing. In his cross-examination, guard Eames said that Dampier was chained to the ring because he refused to do his work. He did not think the man was insane, but he thought him a troublesome man. He also gave it as his opinion that it would have a better effect if the man had been whipped instead of being chained to the ring. He did not think the chaining up was wrong.

The return, certified by the sheriff of Wentworth, immediately preceding the transfer of the prisoner, shews that the prisoner was sentenced for vagrancy to six months in the Central Prison. That he nominally followed the occupation of a clerk: was of intemperate habits, and, prior to his sentence, there were eleven previous convictions recorded against him. He was also certified by the surgeon as being sound physically and mentally, and able to work. He was received in the prison on the 5th July, 1883, and discharged on 2nd July, 1884. During this period he was reported no less than twelve times.

July 27th.—Positively refusing to work, for which he was punished seventy-two hours in the dark cell.

August 29th.—Cursing and insolence to guard. Punished by confinement three nights in the dark cell and deprived of all privileges.

September 5th.—Continual talking, although frequently corrected. Warned and held over.

September 11th.—Not doing his task, which was a very light one; bread and water diet.

September 12th.—Not doing his task; no punishment.

October 12th.—Not doing his work, and impertinence to the guard; seventy-two hours in the dark cell.

October 20th.—Leaving his work, and impertinence; held over.

November 23rd.—When spoken to by the Warden about two reports made against him by guards of misconduct, he was very disrespectful in his conduct and language—for which he was sent to the dark cell for seventy-two hours.

December 17th.—Threatening language and impertinence to the guard when told to do work; seventy-two hours in the dark cell.

December 29th.—Talking; no punishment.

From the foregoing record, all of which is corroborated by the evidence, it is quite evident that the prisoner was a lazy and a thoroughly incorrigible prisoner. The fastening of this man by a chain and ring during the day was, in the absence of proper solitary cells for that class of prisoners, perhaps as good a way of punishing, and at the same time removing him from intercourse with other prisoners, where his continued insubordination could not but have a bad effect on the discipline of the prison.

## WILLIAM DONNELLY'S CASE.

An ex-prisoner complained of excessive punishment—72 hours in the dark cell, and 8 days subsequently in his own cell on bread and water, for smoking in the water-closet with other prisoners.

He was put under punishment on the 8th November, 1884, by the Warden's order ; was searched in his cell for tobacco or matches, and none found on his person. Two other prisoners were punished at the same time for the same offence—John McCarthy and one Wilson—and he swears that McCarthy was kept in till the expiration of his sentence ; that Wilson was let out after 72 hours, and not confined in his own cell. This, he thinks, is partiality. Donnelly worked in the brick-yard, and complained of getting bad meat a couple of times. He has a story of a prisoner named Fox who was punished for crying “stinking meat” ; was present at the Fay-Guinness scuffle, and testifies as to an insane man chained to a post. He admits that he was guilty of smoking, and says it was his first offence, which latter is correct. He also complains that in November, when he was in his own cell, the weather was cold, the steam was not turned on, the windows were open, and he could not keep himself warm. There is no other evidence in this case, and it rests on his own statement. This highest punishment of 72 hours in a dark cell for a first offence, of not a grave character, might not seem to be judicious, but your Commissioners do not feel themselves at liberty to express their opinion contrary to the sentence passed by the Warden.

## P. HILTON'S CASE.

The prisoner, a commercial traveller, an American, was sentenced to the Central Prison for 12 months, for obtaining goods under false pretenses. His complaint is against guard Hunt for cruel and inhuman treatment—being burnt with a hot iron,—for having his finger nail torn off. His story is in substance this : He is subject to epileptic fits ; that after he was in the prison a few days he was taken ill with them, and was very bad, as the men who carried him out of the shop told him ; that he was taken into the yard where it was cold—it was in December last—and after half an hour removed to the hospital. The next day the guard told him to get out of bed, which he could scarcely do ; that he was taken over to his cell in the wing and ordered to work. The next day he had rheumatism from the cold—had no drawers or undershirt ; afterwards locked up in his cell for a considerable time ; put into the hospital and burnt with irons—he had ten or twelve marks on the hips from this treatment—and was ordered to work again. He was afterwards changed to the tailor shop, and the same treatment was repeated once or twice, with an addition of croton oil and mustard plasters. He got along, however, for eight months. He then complained of his breakfast ; narrates a conversation with Mr. Massie, and how he was put in the dark cell for 72 hours. After he was in, he thinks, about 48 hours, he had a fit ; he was brought out and some buckets of water thrown over him, and afterwards he was put in to do the balance of his time. Subsequently he had a fit in the yard, and five or six men had to hold him down.

The treatment here referred to as burning has elsewhere been disposed of in this report, and calls for no remarks. The other treatment is denied, except as to the prisoner's nail.

It is admitted by guard Hunt that on this occasion he was sent for to come to the yard, in order to test whether or not Hilton was shamming epilepsy, and that in order to test it, he pried up the prisoner's thumb nail with his pencil. The Commissioners saw the nail which was at that time almost from the flesh, and the guard explained that he did it to see if the fit was genuine, and that what he did was done in the army.

Counsel cross-examined this witness without much regard to the likelihood of his being subject to fits, but the evidence of Dr. Aikins was conclusive that he had fits. The doctor says : “The man, I believe, had epilepsy, although there was a question about it, at first, whether the fit was an assumed one or not ; but the last fit I think, was, unques-

tionably epileptic, and he was placed upon epileptic treatment at once." He subsequently says that this was a genuine fit. The prison rules provide for very close examination into cases where a prisoner is suspected of shamming sickness so as to escape work, and very curious instances are to be found showing the length to which prisoners will go to simulate insanity, etc. Hilton's case was a doubtful one, and nothing was done to him, up to the treatment of the nail, that your Commissioners would object to. If the prying of one's nail is done in the army, and if the Surgeon of the Central Prison does not object to it, your Commissioners, no matter how they may feel on the case, cannot decide on the evidence, as to its propriety as a medical test for epilepsy.

### GEORGE DUPONT'S CASE.

This young man, 21 years of age, entered the Central Prison in September, 1884. He was sick about the 6th January, 1885, and was removed to the hospital; was there about two days; was then removed from the hospital to a prison cell under the following circumstances:—

It was charged that Dupont and some other prisoners had been guilty of an attempt to escape, and the evidence strongly pointed to the truth of the charge as against Dupont. The Warden made enquiry, and came to the conclusion that Dupont was one of the prisoners who had attempted to escape. He was taken from the hospital and placed in his own cell, where he was kept for about 40 days on bread and water diet; he says he had no dinner, nothing more than bread; the water was put in in the morning to do him the whole 24 hours; he had no bedding, except a pair of double blankets, during the whole 40 days, although it was during the middle of winter; in the daytime the blankets were taken out.

He had been confined once before in the dark cell for 72 hours, but had never been put in irons. No entry appears in the punishment book of this punishment.

In regard to his confinement for 40 days in his own cell, it is alleged by Mr. Massie's counsel that he was placed there, pending the consideration of Mr. Massie's report regarding the attempt to escape, and that it so happened at the time, Mr. Christie, Inspector of Prisons, was ill from the effects of a broken arm. The evidence is not clear as to whether the prisoner was placed in the dark cell immediately on being brought from the hospital, or whether he was placed in his own cell—if in the dark cell, it was only for a short time. Dupont says that he sent out word by the guard to the Warden that he wanted to see him, during the time he was in his own cell, and that the guard promised that he should see the Warden; the prisoner, however, says that he did not see the Warden until about a week before his release. The prisoner also says that he was in very poor health, and was suffering from rheumatism when he was removed from the hospital.

We are of the opinion that the evidence establishes, with reasonable satisfaction, that this man was one of those who made the attempt to escape, and that a man named Alexander Nicholson, was a fellow culprit of Dupont in that attempt. We more particularly form this opinion from the fact that when Dupont was under examination, he at first refused to answer the question as to whether he knew who took in the tools to cut the door of the walls, because if he had answered that, it would criminate himself. He afterwards said that he did not know who took in the tools and attempted to escape; the truth of which statement is questioned.

On the 9th of January, 1885, the Warden reports to the Inspector of Prisons on the attempt to escape as follows:—

"George Dupont, who was the chief instigator of the plot, is undergoing sentence of one year for larceny and receiving. He was mixed up with the Gardiner robbery, which has been so frequently before the public of late; is a good specimen of cow-thief and housebreaker, and a man fit for any crime, down to murder. Alex. Nicholson, his pal, is under sentence for one year for assault with intent to bodily harm; perhaps not as bad a man as Dupont, but his activity in the above plot shows that he was ready for anything



to effect his purpose. Both are under confinement in their cells, and their offence is of that character which requires to be dealt with by more effectual chastisements than merely confinement in our dark cells. I have no hesitation in recommending that Dupont, at least, be sentenced to corporal punishment. The safety of the guards and the safe-keeping of the prisoners demand that such plots and attempts at escape be severely punished, and I await your instructions as to what shall be meted out to them."

Owing to the accident to the Inspector, already mentioned, he was not able to give a reply to this communication until the 24th January, 1885—an interval of 15 days,—on which day he replies to the Warden in these words:—

"I have no doubt you have, for the present, a number of men in custody of a desperate character, and I am glad to know that you are using every precaution for their safe keeping. You are already aware, however, how adverse the Government are to taking extreme measures in such matters, and I doubt very much if this offence were reported, with your recommendation for corporal punishment, that it would receive approval. Success did not follow, and consequently it resolves itself into an attempt to escape only. I therefore hope that, by resorting to dark cell punishment, you will succeed in bringing these men to a proper state of subordination."

Instead of acting on the instructions of the Inspector, as to dark cell punishment, the Warden took a different course, and confined him in his own cell for the time already mentioned on a bread and water diet.

It does appear to your Commissioners that this man was confined to his cell a long time, but it must be considered that his offence was a serious one, which demanded not only punishment but example. Hitherto, the rules and regulations of the Central Prison have not defined the limit of imprisonment of a man in his own cell on bread and water diet, and which may have led to the alleged abuse of authority in this and some other cases; but your Commissioners will recommend such a change in the prison laws in that respect as, if adopted, will prevent the recurrence of such complaints.

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#### DANIEL SULLIVAN'S CASE.

The case of Daniel Sullivan, a boy of 16 years of age, who complained of excessive punishment and no trial, is one that deserves a little comment.

He was sentenced from Ottawa on the, 7th November, 1884, for one year, for larceny, and it appears it was his first offence.

He was punished eight times—five or six times in the dark cell, and confined for five weeks in his own cell, though this does not seem to be a punishment, as he got his full dinner. His first punishment was for purposely leaving his cell door outside the crank and then running around talking. He says this was his first offence, and that, without being reprimanded or warned, and without knowing the rule of the prison, he got 72 hours in the dark cell. Leaving out of consideration everything that does not appear on the punishment card, and bearing in mind Mr. Massie's evidence on the point, it may still appear rather severe punishment for such an offence. But the Warden explains: "It is sometimes a practice," Mr. Massie says, "they get into of leaving their door just sufficiently out to clear the crank, and then, after the crank is in, waiting their opportunity to come out of the cell and out of the cell block. It is an offence we punish for various reasons. It gives them an opportunity for stealing from other prisoners and of going into other cells to practice habits that give us occasionally a good deal of trouble, and for that reason I am very strict about it; must necessarily be so."

The Warden says he never punished the first offence of a trivial kind with 72 hours in the dark cell; how it was in this case, the evidence, other than that of the prisoner, does not show. The record of the boy was good prior to this offence, so far as written records go, and if the Warden thought the offence a grave one, and it was a double offence, the punishment was proper enough. The first offence may have been for fighting or attack on the guard, and so it is nothing to say that the prisoner should be let off easily on that account.



## JOHN MAHONY'S CASE.

In the eighth charge preferred against the Warden, it is alleged "that the Warden confined John Mahoney, a Catholic, for 23 days on bread and water, without a bed, without any charge whatever having been made against him, verbal or otherwise." In this investigation by your Commissioners, we could not find that any man of this name had been confined in the Central Prison, and consequently the charge against the Warden failed.

It is possible that a man of the name of Maloney was meant, and assuming that such may be the case, we have to report as follows :

According to the evidence of Guard Guinness, a man of that name was confined to his own cell under the following circumstances :—The Deputy-Warden came to Guinness one day at dinner time, (the precise date was not given,) and told him to confine Maloney in his own cell, and that he (Guinness) knew the Warden's way of punishment. Guinness says that the Deputy-Warden does not give direct orders, and that on this occasion the order which he received was of uncertain character. After dinner, Guinness went out and found Maloney in Guard Kirkpatrick's gang of men. He brought Maloney into the prison. The prisoner asked the guard what he was brought in for punishment for, and the guard told him he did not know. Guinness says that at that time Maloney remained in his own cell about ten days on bread and water. Mr. Murphy attempted to show by this guard that the wrong man had been punished, namely John Maloney, instead of John Mahoney. Guinness swears to the contrary, and says the right man was punished. He also says that the order he got for the prisoner's punishment was a verbal one, and that he never receives any written orders from the Deputy-Warden. The evidence does not show that the fact of this man's punishment had been ordered by the Warden, or that he knew of it until the Warden discharged him. No entry appears to have been made in the minute book of the punishment imposed, whether in the punishment book or not, the evidence does not show. Guinness cannot say whether or not the Deputy-Warden visited Maloney while he was so confined in his cell. We are of opinion that the conduct of the Deputy-Warden was extraordinary in summarily sending this man to his own cell, and then failing to transmit any report to the Warden for entry in the records of the prison. We cannot, from the evidence before us, censure the Warden for this act of the Deputy-Warden. The latter may, for aught that appears before us, have been perfectly justified in imposing the punishment that he did, but what we have to remark upon is the irregular method that he pursued. It may be, that it was the Warden's duty to have sooner ascertained that this man was undergoing punishment, but as the evidence does not show that it was unjustly imposed, his not finding out the fact sooner cannot be any reasonable ground for the foundation of the charge preferred. The omission of a proper entry in this and other cases in the prison-books is dealt with elsewhere.

The foregoing comprise all the cases of alleged "cruelty towards, and ill-treatment and excessive punishment of, persons confined in the Central Prison," whose names are specially mentioned in the Commission, as well as those brought to light during the enquiry, whose cases seemed of sufficient importance for special mention, together with your Commissioners' report upon the evidence, and the conclusion they arrived at in each case.

The other cases, numbering about thirty, are not of sufficient importance to call for special reports.

In closing their report in connection with this branch of the enquiry, your Commissioners desire to submit the following recommendations, with a view of overcoming defects which, in their opinion, require to be remedied, both in respect to the methods of disciplinary punishments, the system of administering them, and the manner of recording and reporting the same, as required under the regulations :

I. That the words, "will subject the offenders to solitary confinement and to be placed in irons at the discretion of the Warden," in sub-section 18 of section 221 of the

general rules and regulations, be rescinded, and the following be substituted and read instead thereof: "will subject the offenders to punishment;"

II. That clauses 2 and 3, 8 and 10, of the punishment regulations, approved of by Order in Council, dated 23rd March, 1877, be rescinded, and that the following be substituted therefor:—

(a) "That the Warden shall cause to be kept a book, to be styled the punishment record, which book shall provide columns for the following records and information in respect to offences committed, and the punishments inflicted therefor:—1st. The date on which the offence was committed. 2nd. Name of prisoner who committed the offence. 3rd. Nature of offence or misconduct committed. 4th. Date of punishment or deprivation. 5th. Nature of punishment inflicted. 6th. Signature of the Warden. 7th. Remissions granted, and reasons for same.

(b) "No complaint by any officer or guard against a prisoner shall be entertained by the Warden until such complaint and charges are reduced to writing, and signed by such officer or guard on the cards furnished for that purpose.

(c) "As soon as a report for an offence or misconduct against a prisoner is received, the Warden shall cause to be written up in the punishment book the first three columns of information, giving the date the offence was committed, the name of the prisoner, and the nature of the offence as given in the guard's or officer's report.

(d) "Pending the investigation by the Warden into the charges contained in the report,—and if circumstances will not permit of the examination being at once proceeded with, the prisoner against whom the complaint is made shall be locked up in one of the ordinary cells of the prison, and during such temporary confinement he shall not be deprived of any privileges.

(e) "The Warden shall at the earliest moment take all necessary steps to inform himself as to the truth of the charges preferred, and having made full enquiry, and found that the prisoner has merited punishment, he shall forthwith enter up in the 'punishment record' the punishment, deprivation, or withdrawal of privileges which he has decided to give, which decision he shall duly date and sign in, the columns for that purpose. He shall also record the punishment on the report card, and sign the same, which shall be the warrant for the proper official to execute the punishment thus ordered.

(f) "Should the Warden, for good and sufficient reasons, decide to remit a portion of any such punishment so inflicted, or restore the privileges withdrawn, he shall enter such remission or restoration in the column of the 'punishment record' provided therefor, and duly date and sign the same, whereupon the punishment, deprivation or withdrawal of privileges shall forthwith cease.

(g) "The Warden shall cause an exact copy of the 'punishment record' to be made out at the end of each week, which, upon examination and his certificate of correctness, he shall transmit to the Inspector of Prisons.

("Respecting the clerical work involved in the preceding rules, your Commissioners recommend that it be done by a prison clerk under the supervision and direction of the Warden, and not by prisoner clerks).

(h) "Confinement to an ordinary cell on bread and water diet shall not exceed twenty days, (and only until such time as proper solitary cells are provided, when such ordinary cell confinement can be reduced to five days, and solitary cell confinement substituted therefor) during which time the prisoner must be frequently visited by the prison surgeon. Should, however, (and until solitary cells are provided) in the opinion of the Warden, it become necessary, owing to the continued contumacy of the prisoner, to keep the prisoner confined to his ordinary cell on a bread and water diet for a longer period than twenty days, he must first receive a certificate from the prison surgeon that such prolonged confinement will not endanger the health of the prisoner.

(i) "That a prisoner shall not be committed to dark cell punishment, nor reported for corporal punishment until the charge made against him has been fully enquired into

by the Warden, and the prisoner has had an opportunity of answering the charge preferred against him; and in no case shall confinement to a dark cell exceed seventy-two hours, during the time of which the prisoner shall not be restricted in the quantity of water he requires to drink.

(j) "Should it be necessary, in the opinion of the Warden, to place handcuffs or leg irons on a prisoner sentenced to confinement in the dark cell, either for refractory conduct prior to such confinement or during the same, such handcuffs or leg irons shall be removed during the night, from 6 p.m. till 6 a.m., and for one hour during each meal."

During the course of this enquiry, it was strongly impressed upon your Commissioners that in all prisons there are, and always will be, a small per centage of prisoners who, although to all appearances perfectly sane and responsible for their acts, are so completely warped in their moral natures and so incorrigibly bad in their dispositions, that they cannot be reached by any of the ordinary disciplinary punishments and deprivations of the Central Prison. Such prisoners, although small in number, cause more trouble than all the rest of the prison population, and set disciplinary government at defiance. They are almost constantly under punishment of some kind or another, but without producing any lasting effect; indeed, in many cases that have come under observation, the prisoner would appear to be only rendered more unmanageable by punishment. It is quite clear that this phase of incorrigibility must be individually dealt with, and that can only be done by removal and separation from the other prisoners. The role of this type of prisoner is often taken up in a spirit of bravado, and when once assumed it is stimulated and encouraged by association with his fellow-prisoners. To confine such a prisoner in his own cell on a bread and water diet, for a lengthened period, may have an injurious effect on his health, as will also frequent confinement in a dark cell.

The Act establishing the Central Prison provides that solitary confinement shall form part of the moral and disciplinary treatment of prisoners, and that is the very treatment that this kind of prisoner requires.

Your Commissioners would, therefore, very strongly recommend that an isolated structure be erected in the prison yard, in which there shall be a few large, well ventilated solitary cells for the separate temporary confinement of those troublesome prisoners. These cells should in no sense be dark cells, and each should be provided with a water tap and closet arrangements, besides being properly heated. If the prisoner will work, some suitable employment may be provided for him, otherwise he may be left alone, and only visited at stated periods by an officer of the prison until good conduct is restored.

As the present position of the dark cells, in the same block as the ordinary cells, is altogether unsuited for the purpose, a few dark cells could be placed in the same isolated structure, but entirely separated from the solitary cells.

Having disposed of the question of punishments and deprivations, your Commissioners desire very strongly to impress upon your Government the great importance—not only in the furtherance of good discipline, but in justice to well-behaved prisoners, of instituting a well-defined system of

#### COMMUTATIONS AND REWARDS,

because, in every prison that your Commissioners visited, good conduct and industry on the part of the prisoner merited a remission of a portion of his sentence. And it was the general opinion of every warden that the inducement to good behaviour in prison was prompted to a greater extent by that means than probably by all others at their disposal. Indeed some went so far as to say that without this great aid they did not see how they could get along in the government of their prisons.

The next reward in point of importance to the prisoner as an aid to good behaviour, in any but a lazy prisoner, is to give him an interest in his work. In the Eastern Penitentiary, at Philadelphia, the prisoner gets one-half of what he earns above his cost of keep, to use the language of the Warden. If possible to arrive at, it would seem highly



desirable to do this; it would undoubtedly be the proper thing to make the prisoner pay society for the cost of his trial and conviction as well as for his board and lodging, in the prison, all done on his account, and because he, and others of a like class, make such things as the administration of the criminal law a necessity for society. So far as discipline is concerned, there is in some cases the very strongest incentive to good conduct; because where a man saves up for himself he cannot afford to hazard its loss by bad conduct. Thousands of dollars are paid out of prisons to relatives of the convicts in this way, while but a few keep it for their discharge, and with such persons, it is to be expected that they will be on the side of law and order and aid largely in the discipline of the prison.

The Commissioners believe that for short term prisoners it is impossible for them to contribute anything beyond their share of the expense the country is put to in regard to them; and though it was put forward by one prisoner as a reason for good food and light work that the state was employing him, and so he should be treated as a servant under an ordinary employer, this argument has failed to convince your Commissioners as being a true state of the case. Every hour's work that prisoner can fairly do he should be made do for the public—even if he could do more than pay his share of the expense he has helped to incur, there is no good reason why any inducement should be held out in this direction. If a man wants to make money for himself or his family, it is to be expected that he will make it without recourse to the Central Prison.

When a prisoner is, however, at a *task*, or *stint*, or on the *piece price plan*, there is no objection that he earn a fair and reasonable compensation for any work done by him after his allotted task is done; and your Commissioners see no reason why provision should not be made to carry this into effect, if not already in operation.

In regard to *reading material*, your Commissioners feel that they cannot too highly recommend that a carefully selected *Library* be re-established in the Central Prison for the use of the prisoners whose conduct is sufficiently good to entitle them to this privilege.

In some prisons newspapers are furnished to well-behaved prisoners, but your Commissioners see no good reason to adopt that rule. It should be deemed a privilege to have an opportunity to read, and for well-behaved prisoners, light ought to be allowed to them until 9 o'clock.

As to what should be given a *prisoner on his discharge*, very many circumstances must be taken into account. For a short date prisoner, he should go out in the same clothes in which he came, unless they do not protect him from the inclemency of the weather. If the clothes in which he came to the prison were bad, and that he was well-behaved, and did his work satisfactorily, then the Warden might use his discretion as to giving him the whole or part of a new suit. A prisoner of one year and upwards would, in such case, be worthy of such a recompense; but a recurrent prisoner of short terms is not to be provided beyond what will protect him from the severity of the season. This is a matter for the discretion of the Warden, and no set of rules can be laid down to meet every case. He will have to choose, on the one hand between a useless waste of public money on an undeserving tramp, and on the other, the reproach of what may be termed inhumanity towards a well-behaved ex-prisoner.

Your Commissioners therefore recommend in respect to commutations and rewards, as follows:—

1st. That full effect be given to the Act enabling prisoners to earn a *remission of portion of their sentence*, and that, under the instructions and supervision of the Warden, a correct and impartial daily record of the conduct of each prisoner, and of his labor, whether satisfactory or otherwise, be kept. If the conduct and deportment of a prisoner shall have been continuously good for the month, and he shall have faithfully performed the labor assigned to him, such prisoner shall be credited at the end of each and every month with the remission, as provided for according to law. But in case a prisoner shall have merited and received punishment during the month, no such remission shall be made; and in case of any flagrant misbehaviour so found by the Inspector of Prisons, upon the report of the Warden, the Inspector may order and declare in writing a forfeiture of the whole or a portion of the time previously remitted to such prisoner.



2nd. That whenever *piece work* is established, either in connection with industries carried on under contractors, or by the Province under the direction of the prison authorities, the prisoner having performed the task assigned to him, he shall be allowed a fair and reasonable sum for all work over such allotted task.

3rd. That a Library, or proper books, shall be purchased by the Warden, in conference with the clergyman in charge, and constantly maintained, and that every prisoner who does not forfeit that privilege by misconduct shall be entitled to a book, and a candle or light to read it by, for a reasonable time every night.

4th. That, from the 15th October to the 15th April, every prisoner shall, on his discharge from prison, be entitled to receive, in addition to the clothes he brought with him to the prison, such other article or articles of clothing as may be reasonably necessary to protect him from the inclemency of the weather.

5th. That letters be distributed to the prisoners under the rules as to examinations, etc., within a reasonable time after received.

It is alleged, as forming a part of the ill-treatment of prisoners, that the general character of the

### FOOD

was bad, that it was insufficient in quantity, and in consequence of which the prisoners have suffered ill-treatment at the hands of the Warden, and in particular that diseased meat was served out in July of the year 1883, from which a very general amount of sickness ensued in the prison and the lives of the prisoners endangered thereby.

Your Commissioners have listened to a great deal of evidence respecting the food given to the prisoners in the Central Prison. They have made a personal inspection of it themselves, and have heard what has been said by those whose duty it is to purchase supplies for the prison.

So far as the general quality of the meat is concerned, the Central Prison authorities have been so careful in that respect that your Commissioners would have found no fault to find even if the quality supplied had been much inferior to what it has been. "Pure butchers' beef No. 1, cattle and sheep; the best outside of export" is what the purchasing agent of your Government has supplied to the Central Prison. It is believed that no similar institution in America could have given such an account of the meat supplied, and without at all saying that the prisoners should not be so fed in the future, it is manifest that that supply is superior to what can be obtained for many charitable and other institutions in Ontario, not to speak of the quality of meat to be found, as a rule, on the table of the average labouring man who earns it. Food, wholesome and sufficient, is certainly due to a prisoner, as the State should neither poison him with bad food nor starve him with too little. But the State is not bound to treat its vicious members so daintily in prison that they would be better off by reason of their vice, or to make unexceptional lodging for them, while many of its virtuous members outside are suffering from hunger. And your Commissioners may say here, what applies to many things allowed in other prisons, such as tobacco, newspapers, etc., that for the class of offenders who seek to make the Central Prison their occasional or permanent resting place, the Government should render this prison as undesirable and as uninviting as the most rigid discipline, added to the hard labour contemplated by law, can make it. If the vagabonds and criminal class are to be advertised of the fact that comfortable warm quarters, with first-class food, tobacco, newspapers, and so on, are to be furnished by simply breaking the law, then they will not consider this sort of confinement a punishment at all.

Your Commissioners are not insensible, on the other hand, to the fact that prisoners are obliged to take what is served out to them, and that if occasionally something comes to their share as unpalatable or unfit to be eaten, they are without a meal or part of a meal, for the time being, and, as they have to work out the same, it may be a temporary hardship. It is not at all the case, which is sometimes put as an analogous one, of a man outside the prison with no proper food before him.

However, in the Central Prison, with the one exception to be mentioned presently, the

prisoners have not had any reasonable ground of complaint, and it may be added that indeed they have not complained. The evidence of 60 or so prisoners examined did not establish anything in regard to food, for two years past, that would justify your Commissioners in asking for even an explanation on behalf of the Warden. The men who were punished, and who complained of that, frequently added some recollection of a bad potato or unusual ingredients in the soup; and the inveterate tramp, recurrent low class criminal, who is naturally anxious about the future diet of the prison, gave the benefit of his experience, in the hope that there need be no fear for uniform good meals for the time to come.

Taking everything into consideration, the meat, bread, vegetables and other articles of food supplied to the prisoners in the Central Prison is not only as good as should be served to them, but is as good as could be obtained. It must be kept in mind that to supply three or four hundred men with wholesome and substantial food, there must sometimes be difficulties for their providing it, and even with a full and proper supply there might be mishaps in the cooking. To supply an ordinary household from year's end to year's end, without having to send away a dish from the table, or without remarking on the quality of the potatoes or sweetness of the bread, may not have been the experience of some of these complaining prisoners, but it has fallen to the lot of the remaining classes of society. Such things will happen inside a prison as elsewhere; and it is no cause of complaint that a man may have to work for one day with some defect in one of his three meals. If this happened every day for a week, or half that time, it would be a different thing, but the cases your Commissioners have been called upon to determine were isolated cases, neither serious, continued, nor in any way aggravated.

It is true that in the Central Prison the facilities for cooking have hitherto been limited to boiling only, but this is the general rule in such institutions, and your Commissioners have found that system to prevail in every prison visited by them with the exception of one or two. There has been no machinery for any other kind of cooking in the Central Prison, but new appliances are in course of erection which will perhaps enable the authorities to overcome some of the difficulties herein referred to. The different eatable parts of the animals slaughtered for the prison must be used there, and so there is no other way for preparing the meat than in this way. Boiled liver was pretty generally objected to, and it may not be the most palatable way of preparing it, but it was not shown to be improper food when given in small proportion with other meat, and the Warden had no alternative but serve it in this way. On days when liver was served, it formed about one-third of the meat ration, and these services were probably twice a week. No liver was obtained except that which came from the carcasses, and your Commissioners do not find any reasonable cause for complaint of its use, either in quantity or cooking.

Your Commissioners, while being thus able to speak generally of the food given to the prisoners for years past, regret that the good record of the Warden in this respect has been marred by one transaction, in which he was unquestionably to blame for serving out tainted meat on, at least, two occasions, in July of the year 1883. To this extent he is certainly censurable.

A great deal of evidence was taken by your Commissioners in reference to the meat served by the Warden on these occasions. The meat was unquestionably tainted by brine by reason of sour pickle, and ought not to have been served, but the Warden would not and did not admit that this was its condition. On the evidence it must be taken that he was mistaken as to this. He unfortunately adopted the wrong course in dealing with it. A clearly-defined rule of the prison lays down what steps he is to pursue in such a case, and if he had called together the surgeon and bursar and taken their advice, whatever course was adopted would have relieved him from censure in the matter. According to his own evidence, meat, in the fall of the year 1882, was held at a very high price, and, in order to do the best he could to be as economical as possible, he bought some seven or eight thousand pounds of beef, so as to corn it for prison use in the spring and summer of 1883. The process to which this beef was subjected was, doubtless, the latest and best then known, but less than one-half of it was not consumed before the hot weather of the

year 1883. On the 2nd of July the prisoners were served with it, and also on days subsequently, and this occasioned in the prison something like a riot.

Corned beef may not be popular in prisons, and it is likely this particular beef got a bad name before it deserved it. In return for that, it would seem as if the Warden had made up his mind to have that beef eaten, and if not eaten as it was, to re-pickle it, and try it in that way. The doctor pronounced it unfit to be eaten, and an angry correspondence ensued between him and the Warden. This was on the 17th July. It had been served on the 13th, and once subsequently, on the 16th, when some 140 rations or so were refused. On that day it was sent to a provision merchant to be re-pickled, and some friendly messenger announced its arrival to Inspector Awde, who on the same day condemned it as unfit for use and beyond the reach of any pickling process.

Inspector Awde swore that it was bad then and unfit for use, and must have been so for four or five days previously. These are briefly the facts which were unfolded to your Commissioners in a very circuitous way. As a result of this bad meat, it was endeavoured to be shown that a great deal of sickness ensued in August, but the medical testimony was not in favour of any such far-reaching virulence of this unsound meat, especially when it was not at all clear whether any of it had been actually eaten or not, at least since the 13th July. An unusual amount of diarrhoea and dysentery prevailed in July and August, but on the weight of evidence adduced before the Commission, it would be quite unsafe to assign it to the cause suggested.

The prison surgeon stated, as is referred to elsewhere in this report, that it was possible that the unusual sickness might be traced to the use of bad meat, but there were other causes for the unusual sickness in July and August, 1883. The other medical testimony was pretty evenly balanced for and against any effects like that suggested in the charge. The hospital guard attributed the cause to the bad meat. He thinks that the seat of the disease was laid in July, but he is not an expert and not a medical man. The sickness of these months has to be referred to other causes than the use of the corned beef.

The whole matter in reference to this beef is easily understood. Prisoners had hitherto never been served in the prison on corned beef. In the hot weather in July the pickle got sour and the meat smelt badly. The Warden did not want the meat to be wasted, especially as it was his own venture in that direction, and it was dealt out sparingly, the well-conducted prisoners getting along with the other food as best they could, and the other prisoners shouting out at times "stinking meat." It was not served more than two days in the week, and so no one would be starved though many might be hungry.

When the hot weather continued and changes of pickling did not restore the beef, then the Warden served it up with fresh meat. This was done on the 11th and 14th of the month. During all this time there was considerable clamour about it, and when it was served on the 16th, about one-half the prisoners refused to touch their dishes and went without this part of their dinner.

The Warden concluded then that he would have to confide the pickling process to some experienced man in the city, and so the meat was sent to Mr. Parke, as before referred to. The want of friendly feeling that existed between the Surgeon and the Warden probably led to the formal letters between them on this point, instead of, as stated, should have been done under the rule, holding a consultation about it with the bursar two weeks before that.

In this transaction, as has been said, the Warden was to blame, and if the evil consequences had been to create an epidemic in the prison, there would have been no escape from the charge of cruelty, both as that term is admirably understood and has been decided in law. It becomes necessary to consider whether this error in judgment on the part of the Warden merits anything stronger than the condemnation your Commissioners have already passed upon it.

If the prisoners for one day were given unwholesome food, and nothing but unwholesome food, it would be unjustifiable treatment, and if continued longer would, of course, become cruelty until it would become more serious, and as serious as anything could be. But it would not be unjustifiable or ill-treatment, if by reason of some mistake or other,



the prisoners got nothing at all for their dinner, and if every man had got sufficient bread and vegetables he cannot be said to have been badly treated, even if he did not get meat for a fortnight.

If in the place of bad meat on the occasion when this meat was served, the Warden put the prisoners on short allowance and gave them no meat at all, would they be heard to say that they had been ill-treated? The charge here is of the serving of bad meat for about two weeks (though the evidence does not go that far); on other four days the prisoners got good fresh meat, and on the days in which the bad meat was served, it was accompanied with half a ration of good meat, which was cooked separately, and so, perhaps, not unpalatable. No one was starved, and no one poisoned, and though, of course, it is to be regretted that many of these prisoners went without meat on a day in which they deserved a prison dinner, it is probable that that often happens through choice or necessity to people who are outside the prison.

In closing this part of their report, your Commissioners have only two recommendations to make, in respect of the dietary and general working of the dieting arrangements.

From observations made by your Commissioners, in the United States and in the Kingston Penitentiary, they have been favourably impressed with the excellent working of the system of serving the meals to the prisoners in a large dining hall, instead of using the cellular system, as at present adopted in the Central Prison. The associated or congregate system has many advantages, not the least being the opportunity which each prisoner can have of exercising his undoubted right of seeing the Warden at a convenient time, and of making any complaint before him. The Warden has, if ever it should come into requisition, as it did in this investigation, the advantage of having the entire prison eye-witnesses of this opportunity being availed of, or not required as the case may be. In the Kingston Penitentiary, the associated system of dining, and those facilities for making and hearing complaints are adopted and work very satisfactorily.

Your Commissioners learned that formerly the associated system of serving the prisoners with their meals prevailed in the Central Prison, but was abandoned under the apprehension that it would give an opportunity to prisoners to cabal, and was also open to other objections.

Your Commissioners beg to report that this apprehension does not seem to be well founded, and they recommend that the large hall in the Central Prison, which was formerly designed for a dining hall, be used for taking their dinners in association, and if this be found satisfactory, the hall may in time be used for giving the prisoners their breakfast also.

The other recommendation your Commissioners have to make is in reference to the ration of bread served at dinner. In future, it is recommended that when a prisoner requires an additional quantity of bread, he be allowed a further ration, not exceeding one half the ordinary allowance.

#### BATHING AND BUCKET ARRANGEMENTS.

The regulations, (section 221, sub-sec. 12,) provide that "the prisoners will be required to bathe once a week in summer and once in two weeks in winter, unless excused by the physician, Warden, or Deputy Warden."

In connection with this regulation, it was charged that healthy prisoners were obliged to bathe in the same water that had been used by syphilitic prisoners, and that the towels were only furnished to the prisoners once a week, on Fridays, while Saturday was the general bath day in the prison, and that the prisoner, after having used his towel as a body towel on Saturday, had to use it for all purposes until the next Friday.

The Warden, in giving his evidence in respect to the bathing arrangements of the prison, admitted that, in consequence of the limited space, the regulation requiring every prisoner to have a weekly bath in summer was not strictly carried out. He stated, however, that all prisoners engaged in dirty work, such as the cooks, cleaners, firemen, etc., did bathe once a week, and sometimes oftener.



That every prisoner does not get a bath once a week is evidently not the Warden's fault, as he can only do the best he can with the facilities at his command, which are confessedly inadequate for the purpose. It is in evidence that the prisoners were bathed as frequently as could be done, and that as soon as the new kitchen, now in progress, was finished, the bathing arrangements would be so augmented as to enable the rules to be strictly adhered to.

There was no evidence to sustain the charge that healthy prisoners were obliged to bathe in the same water as prisoners who were suffering from syphilitic and skin diseases. Only one prisoner stated that such a thing was done, and he had not previously made any complaint to the Warden. On the other hand, the guards having charge of the bathing arrangements swear that, time and time again, prisoners who had skin diseases, were caused to stand aside during bathing time, and to take a shower-bath or a tub-bath afterwards.

Whatever arrangement previously existed in respect to the serving out of towels, it is in evidence that the clean towel for the week is now given out after the bathing is over.

As regards the use of cell buckets, there is no doubt but that a prisoner of uncleanly habits may do many things which would render his cell offensive to remain in. The complaint in this relation is, that the buckets were removed from the cells for a time on Sunday when the prisoners were locked up, during which time they might require to use them. It is quite clear that the buckets were necessarily removed for a short time for sanitary purposes, and it was proved that if a prisoner wanted one he could let the guard know, when it would at once be brought to him.

Having regard to all these facts, your Commissioners cannot see that the Warden should be censured for the inadequacy of the bathing arrangements, or for the abuse of the bucket system.

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### CHARGES OF PARTIALITY.

The charge of partiality towards certain classes of prisoners, has been understood to mean, in a general way, that the Warden of the Central Prison has not treated Catholics as favourably as he has treated Protestants. In one or two instances, which do not deserve serious consideration, a prisoner complained of not getting tobacco, or of being punished, when a fellow delinquent, in his opinion, got off more leniently. Some instances, not very well explained, occurred, where a prisoner, on his discharge, seemed to think that there was a discrimination as to distributing money and clothes. No regular rule, in this respect was followed, none indeed perhaps should be followed. But the charge was generally, as indicated, of a religious nature, and was so understood.

Any charge of religious discrimination, so to call it, is a serious one, and deserves to be carefully examined, because no official in a prison should be tolerated for one day, unless he acts as fairly towards those who differ from him in religious belief as he does to those of his own communion. The religious freedom that the people of this country enjoy in such an eminent degree, is what each citizen should respect in others just as highly as he prizes it for himself. None the less should this be so, that when that citizen happens to be in authority in an institution wherein are congregated all classes of the community.

The Commissioners are glad to be able to report that the Warden of the Central Prison cannot be held liable under this charge, but, at the same time, they would be better pleased if they were not called upon to refer to certain occurrences in the prison, out of which probably arose some of the imputations which were made against him. In matters of this kind, where the public are peculiarly sensitive, it is much to be desired that no one denomination can have any excuse for the supposition that they are not fairly treated.

The whole evidence on this point is not lengthy, and can be stated in a small compass. The charge of removing crucifixes and rosaries out of the cells of Catholic prisoners was quite untrue. Very little evidence could be got to show that any peculiarly Catholic pictures had been removed, or indeed had been in the cells. Pictures out of such papers

as *The Band of Hope Review* and *The British Workman*, and undoubtedly some Biblical or religious pictures were removed by the Warden's orders preparatory to the cleaning the cells, and these pictures were burned. It was shown in evidence that there were writings and drawings of an obscene character drawn by the prisoners on the backs of some of these pictures. At all events, the Warden thought well of removing and burning them, and he had a perfect right to do that, though it might have been more prudent on his part to have been very careful in a matter wherein prisoners might well be sensitive.

As regards the distribution of reading matter, the Commissioners recommend that the present rule be varied, and that, without the consent of the respective clergymen in attendance, no reading matter of any kind be distributed amongst either class of prisoners. A former inspector made such frequent and unmistakable reference to matters of this kind that it is much to be surprised how any complaint should have arisen in respect of the complete severance of the Catholic from the other prisoners.

And in the same connection, it is recommended that Catholics and Protestants be compelled to go to their own service, and be prevented from going to any other, unless with the written consent of the clergyman of whom they are in charge, according to the instructions already given. [*Vide* official report, 1879, pp. 158 and 179; report of 1880, p. 151; report of 1880, p. 182.]

So far as the rules of the prison read, every prisoner is obliged to go to service on Sunday, and the Warden is also bound to see that every one does so. This rule was reasonably construed by the present and the preceding Warden not to apply to prisoners confined to the cells on Sunday, as being under punishment. In order to put this beyond question, in future the Commissioners recommend a rule to the effect that all prisoners attend the service of the denomination to which they belong, unless exempted by the surgeon, or if in punishment under the order of the Warden, or for sanitary or other sufficient reasons. The difficulty between Father Jeffcott and the Warden arose out of the present rules. It is reasonable that an attending clergyman should enquire for all the members of his flock, but it is to be regretted that the Chaplain had any occasion to write so peremptory a note to the Warden as the one we find in the evidence:—

“DEAR SIR,—Will you please allow the Catholic prisoners to mass on Sunday. I respectfully demand their presence whether under extra punishment or not. Yours, etc.

M. JEFFCOTT, Chaplain.”

If the Chaplain had gone to the Warden and enquired why some of his congregation were absent, it is likely that no one ever would have heard of this rather trifling affair. The Warden, naturally perhaps from his position, disregarded the letter, and in a subsequent interview both gentlemen got very hot, and probably lost their tempers. Father Jeffcott asked for the rules, which the Warden refused to give him, and these being the two rules already referred to, and these doubtless known to the Chaplain, it is likely that this is what Father Jeffcott means in his evidence by saying that he thought he had the best of the situation. The Warden should have told him that the rules in question did not, by custom, apply to prisoners in punishment, not to say, as he did, that “it was contrary to the rules for prisoners undergoing punishment to be permitted to attend service in chapel.”

While the Commissioners have no sympathy with the way in which this interview was conducted, it was certainly due to the Chaplain that the Warden should explain to him how it came about that the rules were not kept, and it was equally due to the Warden that a request of this kind be more as a request than as a demand.

The recognized clergymen, too, in charge in every prison should be furnished with a copy of the rules, so that they would know their own and the Warden's rights and duties and also those of the prisoners.

This unfortunate occurrence was also the cause of another matter, which though amply apologized for, requires to be noted.

For some good reason or other, not clear on the evidence, the Warden gave positive orders that no one was to be admitted into the prison unless provided with a pass. A

Catholic guard, who, it appears, is an enemy of the Warden, acted on this order so strictly that he refused to allow in the Catholic Chaplain, the gentleman who succeeded Father Jeffcott. The guard, in his evidence, says he followed his orders, and the Warden admits the order, but expected that it would not be enforced; that it was never intended to have application to clergymen in attendance, especially where the guard knew of the official character of the visitor, and belonged, as he did, to the same church. The result of it was that the Chaplain, Father McCabe, had to go back to the city without being allowed into the prison. On learning of this, the Warden immediately wrote a letter, expressing his regrets for this unfortunate affair, and it is presumed that this letter was, as it should be, perfectly satisfactory to Father McCabe, who did not appear to give any evidence in the matter. No doubt it was an ordinary visit, and not at the request of any prisoner, otherwise Father McCabe would have found means to have seen the Warden in person and to enter the prison. Nothing has happened to mar the good feeling that has existed between the Warden and this clergyman.

In order that there should be no mistake in the future, there should be a list conspicuously displayed in the Central Prison at the south entrance-gate, on a blackboard, of the persons entitled to free access. Then the Warden's rule, and the guards observance of it, would not be open to question.

Both in the formulated charges against the Warden, and in the course of the investigation, an attempt was made to show that by not furnishing a pass for the Catholic Clergyman in attendance, he was treated unfairly as compared with other gentlemen who had been so furnished. Your Commissioners refer to this matter to put out of possibility any misconception of it. It was never intended in the Central Prison regulations, and it was never the practice there, that any clergyman, who was a recognized visitor, should be under the necessity of furnishing himself with a pass. His right to admission was unquestioned and he had no need of any written authority to enter the prison. But with lay teachers who may have substitutes, or may not be so easily recognized, or for other sufficient reasons, a pass was found convenient and necessary. There were Catholic as well as Protestant lay teachers, but there was no complaint made or attempted to be made in reference to the former. It is not the case of one class of laymen getting passes and another class refused, but it is the case where certain gentlemen are required to have written authority to enter the prison as against a clergyman, whose right to enter without such authority has always been the custom.

Partiality was also attempted to be shown in this, that the Catholic choir were not allowed as many advantages in the month to practice as were allowed to the Protestant choir, but your Commissioners have satisfied themselves that there is no foundation for any complaint in this respect. Each choir got as sufficient opportunity for practicing as they needed or asked for, and the reason the Catholic choir did not practice more frequently was that there was no one to attend and conduct such practice.

The only other circumstance in this connection is the toleration by the Warden of a foreman who used grossly insulting language about priests and nuns in the presence of several prisoners, some Catholics and some Protestants. Complaint was lodged before the Warden, who heard the case, and most of the language used by the foreman. The language was unfit for the newspaper press to outline, and was language which should not have been tolerated by anyone having power to stop it. This foreman was a good workman, and that is about all the Warden gave as an excuse for not dismissing him.

Your Commissioners think that such or similar language should not be allowed; that the foreman should have been dismissed on the spot, and that the Warden was in fault for not doing so.

Any other charges under this head were quite groundless, some of them completely disproved, and others should never have been made. While your Commissioners have thus had occasion to draw attention to these occurrences on the part of the Warden, they cannot help stating that charges of this kind should only be made after the most careful enquiry, and it would be much safer to make them in a way that might be safely supposed to correspond with the expected evidence, and with the powers of a Commission such as has been issued to your Commissioners.



Your Commissioners, having now reported on all the subjects coming strictly within the scope of the Commission, they feel that they would be wanting in their duty if they omitted all reference to certain matters relating to the management of the Central Prison which were brought out in evidence during the course of the enquiry.

First in point of importance is the fact that, although the rules and regulations minutely define the duties of every officer and employee in the prison service, these rules have in many instances been disregarded.

Your Commissioners feel bound to report that a great deal of the trouble which arose in this enquiry is to be traced to the fact that the Warden, his officers and guards, and many others connected with the prison, including the surgeon, have not observed the very plain rules laid down for their guidance.

Your Commissioners are strongly of opinion that the Inspector must in future insist upon the closest adherence on the part of every officer and employee to the rules for the government of the prison.

In regard to the prison surgeon your Commissioners recommend as follows :

I. That rule 41 be varied by directing that the daily visit of the surgeon take place at 12 o'clock, noon, in order to inspect the food and report upon prisoners before they are set to work.

II. Those who are confined in their own cells are to be visited by him at least once a week, and where any symptoms of insanity are observed in any confined prisoner, he is to keep a connected medical record in each case.

In closing their report, your Commissioners consider it their duty to direct attention to the fact that in the course of the investigation it was very evident that there had been a good deal of antagonism, and not a little ill-feeling existing between some of the guards and the Warden. The exact cause of this state of things was not ascertained, but your Commissioners are of opinion that a continuance of such feeling may prove very disastrous to the good government and discipline of the prison.

Doubtless, some of the antagonism is due to the present system of appointment and dismissal. In all the prisons that your Commissioners visited, the power of appointment and dismissal rests with the Warden, who is held responsible for the efficient discharge of duty by every guard and subordinate officer connected with the prison. If this method cannot at once be introduced into the Central Prison in its entirety, your Commissioners would recommend that the Warden should have power to select his guards and place them on duty, probationally, for a certain period. If the guards so selected give evidence of possessing the proper and requisite qualifications for their positions, the Warden shall so report to the Inspector, whereupon, unless disapproved by the Government, the probational guard shall become a permanent guard during good behaviour, and removable only for good cause. It is further recommended that the Warden shall have power to dismiss a guard for good cause, but on so doing shall forthwith furnish to the Inspector a statement of the charge or charges made against the guard, and his reasons for dismissing him. And, unless upon investigation, such dismissal is not disapproved of by the Inspector, it shall be held to take effect from its date.

Your Commissioners take great pleasure in acknowledging the constant assistance and uniform courtesy of Mr. Irving during this investigation.

Your Commissioners herewith return the Commission issued to them together with this their report, and the five volumes of evidence taken in connection therewith, as well as other documents relating thereto.

All of which is respectfully submitted.

Signed

J. S. SINCLAIR,	} Commissioners.
J. W. LANGMUIR,	
D. A. O'SULLIVAN,	

Toronto, 19th November, 1885.



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